

## Notes

### [I.ii]

1. It is astonishing how few maps show this very important linguistic division. It does appear in e.g. *Westermanns Atlas zur Weltgeschichte* (Berlin etc., 1965) 42. For the situation in the Later Empire, see Jones, *LRE* II.986. In support of my division of north Africa between the Greek and Latin worlds I would cite p.9 of Louis Robert's book on gladiators in the Greek East (see VII.1 n.3 below): 'La Cyrénaïque fait partie de l'Orient grec, et j'ai laissé à l'Occident la Tripolitaine.'
2. For the cities which were newly founded, or achieved the status of cities, only from the time of Alexander onwards, see e.g. *Westermanns Atlas* (n.1 above) 22-3; *CAH* VII, Map 4; Bengtson, *GG*<sup>2</sup>, Map 9.
3. Norman Baynes, who had said in 1930 that 'the reign of Heraclius marks the beginning of Byzantine history', later came to feel that 'Byzantine history begins with Constantine the Great' (*BSOE* 78 and n.2). For the Byzantine historian Ostrogorsky it was in 'the age of Heraclius' (610-41) that 'the Roman period ended and Byzantine history properly speaking began' (*HBS*<sup>2</sup> 106). For Arnold J. Toynbee 'ancient Greek or Hellenic historical thought . . . came to an end when Homer yielded precedence to the Bible as the sacred book of a Greek-speaking and Greek-writing *intelligentia*. In the series of historical authors [that] event occurred between the dates at which Theophylactus Simocatta and George of Pisidia produced their respective works' – that is to say, during the reign of Heraclius (*Greek Historical Thought from Homer to the Age of Heraclius*, 1952 and repr., Introduction, p.ix).
4. For English-speaking readers the most convincing statement of this view is by Baynes, *BSOE* 1-82. Different as my own position is from his in some ways, I find him entirely convincing on this particular topic.
5. Nicholas [I] Papa, *Ep.* 8, in J. D. Mansi, *Sacr. Conc. nova et ampl. coll.* XV (1770) 186-216, at 191, repr. as *Ep.* 86 in *MPL* CXIX.926-62, at 932.

### [I.iii]

1. See Jones, *LRE* II.841-5 (with the notes, III.283); Brunt, *IM* 703-6 (who notes that 'Jones has much the clearest conception of the general conditions that obtained for the food supply').
2. See esp. the references that follow in the main text above to Jones, *LRE* and *RE*. Among many other discussions of ancient transport, see e.g. Duncan-Jones, *EREQS* 366-9; also C. A. Yeo, 'Land and sea transportation in Imperial Italy', in *TAPA* 77 (1946) 221-44; and of course the indexes to Rostovtzeff, *SEHHW* and *SEHRE*<sup>2</sup>, s.v. 'Transportation' etc. On any question of navigation or sea transport, see Lionel Casson, *Ships and Seamanship in the Ancient World* (Princeton, 1971). There is a great deal of miscellaneous information about travel and journeys by land and sea in the first two centuries C.E. in Ludwig Friedländer's massive work, *Darstellungen aus der Sittengeschichte Roms in der Zeit von August bis zum Ausgang der Antonine*<sup>10</sup> (Leipzig, 1919-21) I.316-88, esp. 331-57.
3. The fragments of Diocletian's Price Edict known down to 1938-9 were published (with an English translation) by Elsa R. Graser, in Frank, *ESAR* V (1940) 305-421; there are some further relevant fragments in her article, 'The significance of two new fragments of the Edict of Diocletian', in *TAPA* 71 (1940) 157-74. An edition by Siegfried Lauffer, *Diokletians Preisedikt* (Berlin, 1971) was complete down to 1970; another edition (with Italian translation) by Marta Giaccherio, *Edictum Diocletiani et Collegarum de pretiis rerum venalium* (Genoa, 1974), includes several fragments found subsequently, and is now the most useful single text. A number of

fragments of the Edict complete Latin version price of 72,000 denarii incorporated in Giacomini Naumann in 1973, see with the works cited particularly important: (1) the pound of gold; (2) the ordinary slave aged 10; (3) the daily wage of an agricultural labourer (below); (4) the 'east' section of all in the Edict; (5) the section dealing with the complicated problem of the price of R. P. Duncan-Jones.

4. For a high degree of detail, see article by F. D. Harmer. Athens was no doubt common in Hellenistic *Scriptumulae* (Amsterdam additions) two articles 161-76; and *Scriptumulae*. Sufficient bibliographical course was supposed mentioned in *P. P. Scriptumulae* II.677-8 in *CE* 41 (1966) 127-8.

5. The best account of the in Jones, *CCA* 259- work by Jones, *CE CER*<sup>2</sup> (1971), with Republic and the Price 'Rural-Urban', pp. 1 than historical character by any consistent source and is seldom or never knew the archaeologist *SEHRE*<sup>2</sup>, e.g. 1235 West, see 133, 59-6 parallel to Strabo's claim be no more than a re-

6. Galen, *Dei Theriaca* & *Medic. Graec.* V iv 2 *succis*, ed. C. G. Kühn.

7. As Brunt says (*IM* 703-6) own brief treatment among which I would famines), and H. I. *Antiquitas* 1.6, Bonn.

8. See esp. D. Sperber, *Hannab. Hannab. As* meaning of extortion *angariae* in general in (1906) 249-58; *SEHRE* *Lexicon* (Leipzig, 1906) the well-to-do lands in the text above, I Roman empire, orig.

- see Stephen Mitchell, 'Requisitioned transport in the Roman Empire: a new inscription from Pisidia' [Sagalassus], in *JRS* 66 (1976) 106-31, esp. the list of 21 documents (111-12). A text in the *Digest* that is seldom noticed mentions a rescript to the effect that ships belonging to veterans *angariari posse* (XLIX.xviii.4.1, Ulpian). In a papyrus we even find the word ἀνεργάρευτος (SB 1.4226).
9. There is an up-to-date bibliography on this subject, for the Western as well as the Eastern part of the Roman empire, in P. A. Brunt, *RLCRE* = 'The Romanisation of the local ruling classes in the Roman empire', in *Assimilation et résistance à la culture gréco-romaine dans le monde ancien* = *Travaux du VI<sup>e</sup>* [Madrid, 1974] *Congrès International d'Études Classiques* (Bucarest/Paris, 1976) 161-73, at 170-2. I should perhaps add Jones, *CERP*<sup>2</sup> 228-30 and *GCAJ* 288-95 (partly but not entirely replaced by *IRE* II.966, 968-9, 991-7); Rostovtzeff, *SEHRE*<sup>2</sup> II.626-7 n.1, 666 n.36. J. C. Mann, 'Spoken Latin in Britain as evidenced in the inscriptions', in *Britannia* 2 (1971) 218-24, although dealing mainly with Britain, may suggest a way in which research might be conducted in other areas.
  10. On Lystra, see Barbara Levick, *RCSAM* 51-3, 153-6, 195-7.
  11. The revenue of the reigning Ptolemy is given in respectable ancient sources as 14,800 talents of silver and 1½ million artabae of wheat in the second quarter of the third century B.C. (Jerome, *In Daniel*. XI.5), and in the last century B.C. as 12,500 talents (Cic., *ap.* Strab. XVII.1.13, p. 798) or 6,000 talents (Diod. XVII.52.6); see Rostovtzeff, *SEHWW* II.1150-3, with III.1607 n.86. The total population of late Ptolemaic Egypt (c. 60 B.C.) is given as 7 million by Diod. I.31.8 (with the emendation now commonly accepted: *τοῦτοι* for *πυλικοῖσι*). That of Roman Egypt in the Flavian period is given by Jos., *BJ* II.385, as 7½ million, apart from Alexandria. These figures may be approximately correct. We should perhaps allow a million or so for Alexandria: cf. Fraser, *P.A.* I.90-1; II.171-2 n.358.
  12. Cf. Rostovtzeff, *SEHWW* II.878-914; Jones, *CERP*<sup>2</sup> 302-11.
  13. For example, Claude Vandersleyen, 'Le mot *λαός* dans la langue des papyrus grecs', in *CE* 48 (1973) 339-49, argues that the expressions *λαός*, *λαοί*, when occurring in the papyri in reference to Egypt, should be taken to be describing a particular section of the native Egyptian population, indeed a superior section, 'couche supérieure de la population égyptienne, existant aussi bien à l'époque pharaonique qu'à l'époque ptolémaïque' (cf. another work of Vandersleyen, which I have not been able to read: *Les Guerres d'Amén* [1971], esp. 182-4 on the Rosetta Stone), and not the general mass of the native population. Rostovtzeff, like many other scholars, will then have misinterpreted the words *λαός*, *λαοί* in such documents as the Rosetta Stone (*OGIS* 90.12; see *SEHWW* II.713-15) and in the papyrus he describes in *SEHWW* II.883-4—he fails to give the reference, which is *BGU* VIII (1933) 1768 (W. Schubart and D. Schäfer, *Spätptolemäische Papyri aus amtlichen Büros des Herakleopolites* = *Ägyptische Urkunden aus den staatlichen Museen zu Berlin, Griechische Urkunden* VIII, Berlin [1933], no. 1768, pp. 47-9). However, Vandersleyen's conclusions do not appear to be securely established: contrast W. Clarysse, in *Ant. Soc.* 7 (1976) 185 ff., at 195 and m. 22-6 (pointing out that Vandersleyen takes into account only the noun *λαός* and not the adjective *λαϊκός*, for which see e.g. Préaux, *ERL* 224 and n.2); and Heinz Heinen, *ibid.* 127 ff., at 144 n.32, who declares himself unconvinced; cf. Heinen in *Ant. Soc.* 8 (1977) 130 n.21.
  14. Eurip., *Electr.* 31-53, 207-9, 247-57, 302-9, 302-3, 404-5. *Ar.*, *Clouds* 46-72 is irrelevant here, since Strepsiades, however foolish by origin, is obviously conceived as well-to-do and does not fall within my definition of a peasant (see IV ii above).
  15. Cf. *IGRR* IV.1087, from Cos, for a distinction between *οἱ κατοικοῦντες ἐν τῷ δήμῳ τῶν Ἀλεντίων καὶ τοῖς ἐνεκτημένοι καὶ τοῖς γεωργεῦντέσι* ἐν Ἀλεντί καὶ Πέλῃ, *τῶν τε πολιτῶν καὶ Ῥωμαίων καὶ μετοίκων*. (I can see no justification for lining-up the two sets of inhabitants in parallel and making the *κατοικοῦντες* the citizens, the *ἐνεκτημένοι* the Romans, and the *γεωργεῦντες* the metics, with Rostovtzeff, *SEHRE*<sup>2</sup> II.634 n.4.) I may add that there is some evidence from the Latin West for the extension of distributions to include inhabitants of a city who are not its citizens (*municipes*, or *coloni*) but *incolae* (see below, and Duncan-Jones, *EREQS* 259 n.3, 279 n.5). This unfortunately raises a thorny question about the meaning of the expression *incolae*. They clearly are people who do not have citizen rights in the *civitas* or *pólis* in which (or in the territory of which) they reside. But are they (1) simply residents with a *domicilium* in the city who have an *origo* elsewhere, or are they (2) primarily the population of territory subject to the city, who have no local citizen rights, whether or not they are officially its *attributi* (or *contributi*)? The former is the standard view (see e.g. Berger in *RE* IX, n.1249-56), the latter that

of Rostovtzeff, *SEHRE*<sup>2</sup> II.632 n.33, cf. 687 n.97. I agree with Brunt, *IM* 249: 'Though the term "incolae" in my view denotes no more than "residents without local citizen rights", and is not a technical term designating members of a subject population, it is wide enough to embrace such a class.' Two legal texts seem to me to show a development between the second and third centuries. Porphyrion, in *Dig.* I.xvi.239.2, writing in about the second quarter of the second century, equates *incola* with Greek *μέτοικος* and includes in his definition of *incolae* not only those who reside in *oppida* but also those who have farmland (*agerum*) within the boundaries of the town which is in some sense their home (such I take to be the meaning of 'ut in eunt se quasi in aliquam sedem recipiant'). But around the second quarter of the third century Modestinus does not count as an *incola* a *ἐν ἐργῷ κατοικῶν*, on the ground that a man who makes no use of the *ἐξοπλῆρα* (*conmoda*, conveniences, benefits) of a city is not to be considered its *incola* (*Dig.* I.1.35, in Greek). By then, at any rate, it seems that *attributi* and the like were no longer considered to be *incolae*—an important exclusion, for since about the third quarter of the second century *incolae* had become equally liable with local *cives* for *munera publica* (Gaius, in *Dig.* I.1.29). I find it interesting that in *ILS* 6818 (of the third quarter of the second century), from Sicca Veneris in Numidia, the *incolae* who are to benefit, with *municipes*, from the foundation there established are restricted to those living 'in the buildings included in our colony'. And in Italian cities many foundations, where they extend to the lower classes, are specifically limited to the *urban* population: see e.g. Duncan-Jones, *EREQS* nos. 638, 644 (= 1163), 697, 947, 962, 976, 980, 1023, 1066, 1079n.

16. This is well borne out by Libanius, *Orat.* XL.230: the 'large populous villages' in the territory of Antioch exchanged their products with each other at their fairs (*πανηγύρεις*) and 'had little use for the city because of their exchange among themselves'.
17. Cf. Rostovtzeff, *SEHWW* II.1106-7.
18. Contrast the official view, expressed by Ulpian in *Dig.* I.1.30, that the *patria* of a man who originated in a village is the city (*res publica*) to which the village belongs.
19. Jones, I am sure, meant much the same as I would when he used the expression 'too narrow a class foundation', but for him 'class'—a term he used quite often—was not something that needed to be defined, or even, for that matter, thought about. I hesitate to give equal prominence to the final sentence of the paragraph in question ('The great mass of the population, the proletariat of the towns, and still more the peasants of the countryside, remained barbarians'), as it not only uses again the inappropriate expression 'proletariat' but ends with a word which the 'general reader' is likely to misunderstand unless he realises that it is very much a Classical scholar's quasi-technical term, almost the equivalent of the Greek word *barbaroi*, not necessarily meaning more than 'non-Greek'.

## [I.iv]

1. There are very few exceptions, the main one being E. A. Thompson: see e.g. his *A Roman Reformer and Inventor* (an edition of the *Anonymus Doctus bellicis*, 1952), esp. pp. 31-4, 85-9; and other works, including *A History of Attila and the Huns* (1948), *The Early Germans* (1965) and *The Visigoths in the Time of Ulfila* (1966). Benjamin Farrington has also made use of Marxist concepts, e.g. in his *Greek Science* (Pelican, 1953 and repr.) and his collection of essays, *Head and Hand in Ancient Greece* (London, 1947). For George Thomson and Margaret O. Wason, see II.1 above and its nts. 19-20 below.
2. I shall merely record the 'Select bibliography on Marxism and the study of antiquity', by R. A. Padgug, pp. 199-225. If I have retained in this book much that is in my *Arethusa* article, it is because not many people in Britain have easy access to a library containing the periodical in question.
3. I should like to record in particular Maurice Dobb, *On Economic Theory and Socialism* (1955 and repr.); and *Political Economy and Capitalism* (1937 and repr.); Ronald L. Meek, *Studies in the Labour Theory of Value* (1973); and the 'Penguin Special' by Andrew Glyn and Bob Sutcliffe, *British Capitalism, Workers and the Profits Squeeze* (1972).
4. I have benefited particularly from Godefrier, *RIE*; Dupré and Rey, *RPTHE*; and Meillassoux, 'From reproduction to production. A Marxist approach to economic anthropology', in *Economy and Society* 1 (1972) 93-105; 'Are there castes in India?' in *Economy and Society* 2 (1973) 89-111; and 'Essai d'interprétation du phénomène économique dans les sociétés traditionnelles d'auto-

subsistence', in *Cahiers d'études africaines* 4 (1960) 38-67. A paper by Terray, 'Classes and class consciousness in the Abron Kingdom of Gyaman', appears in *Marxist Analyses and Social Anthropology*, ed. Maurice Bloch (= *ASA Studies* 2, 1975) 85-135; and the bibliographies at the end of that paper and of the others in the same volume refer to further works by Terray and the other Marxist anthropologists I have mentioned.

5. See Jerzy Topolski, 'Lévi-Strauss and Marx on history', in *History and Theory* 12 (1973) 192-207, for a demonstration of the great superiority of Marx to Lévi-Strauss in understanding of the historical process.
6. This lecture, already published separately, is in the *Proceedings of the Brit. Acad.* 58 (1972) 177-213 (published early in 1974). It has been reprinted in *Marxist Analyses and Social Anthropology* (see n.4 above) 29-60.
7. An example is E. Ch. Welskopf, *Die Produktionsverhältnisse im alten Orient und in der griechisch-römischen Antike* (Berlin, 1957). There are of course a number of other works published in the German Democratic Republic and by Italian and French Marxists which are less alien to the bulk of Western scholars. Among the German publications, the one that is most obviously relevant to the subject of this book is the collective work, *Hellenische Polis, Krise - Wandlung - Wirkung*, ed. E. Ch. Welskopf (4 vols, pp.2296, Berlin, 1974); but I have not often found it useful for my particular purposes. Among other German articles and monographs, I would single out several by Heinz Kreissig, including *Die sozialen Zusammenhänge des jüdischen Krieges. Klassen und Klassenkampf im Palästina des 1. Jahrh. n. u. Z. = Schriften zur Gesch. u. Kultur der Antike* 1 (Berlin, 1970); other works by Kreissig are cited in III.iv nn.33 etc. below. Translations into German from Russian (which very few Western Classical scholars can read: I am ashamed to say I cannot) are also being published in the DDR, e.g. E. M. Schajerman [Staerman], *Die Krise der Sklavenhalterordnung im Westen des römischen Reiches* (Berlin, 1964). German translations from the Russian have also begun to appear in the German Federal Republic, e.g. E. M. Staerman, *Die Blütezeit der Sklavenwirtschaft in der römischen Republik* (Wiesbaden, 1969); T. V. Blavarskaja, E. S. Golubcova and A. I. Pavlovskaja, *Die Sklaverei in hellenistischen Staaten im 3.-1. Jh. v. Chr.* (Wiesbaden, 1972); and see below for an Italian translation of a Russian work. The *Bibliographie zur antiken Sklaverei*, ed. Joseph Vogt (Bochum, 1971), lists many Russian and East European works, with titles usually transliterated as well as being translated into German. There has been some hostile discussion in German of some of the Soviet material: see e.g. Friedrich Vittinghoff, 'Die Theorien des historischen Materialismus über den antiken "Sklavenhalterstaat". Probleme der Alten Geschichte bei den "Klassikern" des Marxismus und in der modernen sowjetischen Forschung', in *Saeculum* 11 (1960) 89-131; cf. his 'Die Bedeutung der Sklaven für den Übergang von der Antike ins abendländische Mittelalter', in *Hist. Zeitsch.* 192 (1961) 265-72, with a résumé in *XI<sup>e</sup> Congrès International des Sciences Historiques* [Stockholm, 1960], *Résumés des Communications* (Göteborg etc., 1960) 71-3. The latest such work that I have seen is G. Prachner, 'Zur Bedeutung der antiken Sklaven- und Kolonienwirtschaft für den Niedergang des römischen Reiches (Bemerkungen zur marxistischen Forschung)', in *Historia* 22 (1973) 732-56. (And see Finley, *AE* 182 n.39.) These anti-Marxist works have a rather narrow scope and are directed against Marxist (or 'would-be Marxist') interpretations of ancient history significantly different from none: they are largely irrelevant to the arguments I advance in this book. Much more objective and instructive are some studies by Heinz Heinen of Soviet (and Polish) material on (mainly) ancient slavery, of which I have seen (1) 'Neuere sowjetische Monographien zur Geschichte des Altertums', in *Historia* 24 (1975) 378-84; (2) & (3) 'Neuere sowjet. Veröffentlichungen zur ant. Sklaverei', in *Historia* 25 (1976) 501-5, and 28 (1979) 125-8; (4) & (5) 'Zur Sklaverei in der hellenistischen Welt' I and II, in *Ant. Sov.* 7 (1976) 127-49 and 8 (1977) 121-54 (these last with much more detailed discussion). See also Heinen's review of L. Iraci Fedeli, *Marx e il mondo antico* (Milan, 1972), in *Riv. stor. dell'antich.* 5 (1975) 229-33; and his article, 'Sur le régime du travail dans l'Égypte ptolémaïque au III<sup>e</sup> siècle av. J.-C., à propos d'un livre récent de N. N. Pikus', in *Le Monde Grec. Hommages à Claire Préaux* (Brussels, 1975) 656-62. See also Paul Petit, 'L'esclavage antique dans l'historiographie soviétique', in *Ann. du Colloque d'hist. soc. 1970 = Annales littéraires de l'Univ. de Besançon* 128 (Paris, 1972) 9-27. The only work I know in English that gives a general review of Soviet work on ancient history from the Revolution down to the 1950s is the article by H. F. Graham, 'The significant role of the study of Ancient History in the Soviet Union', in *Class. World* 61.3 (1967) 88-97. I greatly regret that it has not been possible for me as yet to examine carefully more than a little of the

large quantity of Italian Marxist material on ancient (mainly Roman) history which I know exists. I can only mention some works which I was not able to do more than glance at until after this book had been substantially finished: Mario Mazza's valuable article, 'Marxismo e storia antica. Note sulla storiografia marxista in Italia', in *Studi storici* 17.2 (1976) 95-124, with much bibliography; Mazza's book, *Lettere sociali e restaurazione autoritaria nel III sec. d.C.* (republished in Rome, 1973); and an Italian translation, *La schiavitù nell'Italia imperiale I-III sec.* (Rome, 1975), of a book published in Russian in 1971 by E. M. Staerman and M. K. Trofimova, with a most useful 37-page Preface by Mazza discussing Russian and other modern Marxist work on ancient (mainly Roman) history. Unfortunately, I have not been able to read *Annali marxista e società antiche* (= Nuova biblioteca di cultura 178, Atti dell'Istituto Gramsci), ed. Luigi Capogrossi and others (Rome, 1978). Much interesting work from a Marxist standpoint has been published in Italy on ancient literature and archaeology, subjects with which I am not directly concerned here, and I will mention only the most relevant of those I know: Vittorio Citti, *Tragedie e lotta di classe in Grecia* (Naples, 1978). Among recent French works on ancient history written by Marxists I would single out those of Pierre Briant, mentioned in III.iv above and its nn.26,33 below.

8. *MECW* II.584-5; 572-4 (with 620 n.248) = *MEGA* I.ii.480-1, 478-9. And see Johannes Irmischer, 'Friedrich Engels studiert: Altertumswissenschaft', in *Eirene* 2 (1964) 7-42.
9. *MESC* 495-7, 498-500, 500-7 (esp. 503, 504-5, 507), 540-4, 548-51. (The last letter is now known to have been written to W. Borgius, not H. Starkenburg as once believed.)
10. See the five-volume *Selected Works of Mao Tse-tung* (in English) I (Peking, 1965 and repr.) 311-47, at 336; or the one-volume *Selected Readings from the Works of Mao Tse-tung* (Peking, 1967) 70-108, at 94.
11. Katherine and C. H. George, 'Roman Catholic sainthood and social status', in Bendix-Lipset, *CSP* 394-401, a revised reprint of an article in *Jnl of Religion* 5 (1953-5) 33 ff. For the effect of economic status on voting in the Western democracies, see S. M. Lipset, in Bendix-Lipset, *CSP* 413-28 (cf. II.iv n.12 below).
12. The only recent paper of value on this subject that I happen to have seen is E. J. Hobsbawm, 'Karl Marx's contribution to historiography', in *Ideology in Social Science*, ed. Robin Blackburn (Fontana paperback, 1972) 265-83.
13. The distinction (which, as I say in the main text above, I do not propose to discuss in this book) between the economic 'basis' of society and its ideological 'superstructure' was already formulated in Part I of the *German Ideology*, written jointly by Marx and Engels in 1845-6 (see *MECW* V.89), and it is most clearly stated by Marx himself in a famous passage in the *Preface to a Contribution to the Critique of Political Economy* of 1859 (*MESC* 181), on which see II.ii above. Although this idea lies behind much of what Marx writes (a good example is the criticism of Sir Frederic Eden, in *Cap.* 1.615-16, esp. 615 n.2; but there are scores of similar passages), I have found few other explicit references to it by Marx himself. See however the early letter to P. V. Annenkov, of 28 December 1846 (*MESC* 39-51, esp. 40-1, 45), and the passage in the third chapter of *The Eighteenth Brumaire of Louis Bonaparte* in which Marx writes, 'Upon the different forms of property, upon the social conditions of existence, rises an entire superstructure of different and distinctly formed sentiments, illusions, modes of thought and views of life. The entire class creates and forms them out of its material foundations and out of the corresponding social relations' (*MECW* XI.128). It seems that when in later life Marx was supervising the French translation of the 1859 *Preface*, he toned down the statement that 'the mode of production of material life bedingt ... überhaupt the social, political and intellectual life process', by choosing to represent the German words I have quoted by 'domine en général': see Prawer, *KMWL* 400-1, apparently in agreement with Rubel. The other standard discussions of this topic are by Engels, in particular in the letters cited in n.9 above and his speech at the graveside of Marx on 17 March 1883 (*MESC* 429-30). Few recent discussions of the subject that I have seen have been illuminating, apart from two useful papers in which Gerald A. Cohen successfully demolishes objections raised by H. B. Acton and John Plamenatz to Marx's notion of basis and superstructure: 'On some criticisms of historical materialism', in *Proceedings of the Aristotelian Society* (Suppl. Vol.) 44 (1970) 121-41; and 'Being, consciousness and roles: on the foundations of historical materialism', in *Essays in Honour of E. H. Carr*, ed. Chimen Abramsky (1974) 82-97. And see now Cohen's book, *Karl Marx's Theory of History, A Defence* (1978, repr. 1979).

14. See Hobsbawm's excellent Introduction to his *KMPCEF*, esp. 11, 17 and n.2, 19-21, 27-38, 49-59, 61-5.
15. I regard Perry Anderson, *LAS* 462-549, as conclusive against retaining the conception of an Asiatic/Oriental mode of production. He makes good use of other recent work, notably an excellent article by Daniel Thorner (MAIMP), who shows in particular that the English translation of *Das Kapital* I in 1887, which was supervised by Engels, makes at one point a significant departure from the German text (now best read in *MEW* XXIII.354 n.24), which speaks of small-scale peasant agriculture and independent handicrafts as forming the basis not only of 'the feudal mode of production' but also of 'the Classical communities at their best, after the primitive Oriental form of ownership of land in common had disappeared, and before slavery had seized on production in earnest', by omitting the word 'Oriental' (MAIMP 60). And in his *Origin of the Family*, published in 1884 (the year after Marx's death), Engels never refers to an Asiatic/Oriental mode of production; cf. esp. *MESW* 581. Marx showed little interest in a specifically Asiatic/Oriental mode in his last years (see esp. Thorner, MAIMP 63-6), although he occasionally makes passing references to it: see *Cap.* I.77-8 n.1, 79; cf. 334 n.3, 357-8; and see also *TSF* III.417, 434, 435. Cf. also, on the question of the Asiatic/Oriental mode, Hobsbawm, *KMPCEF* 11, 17 n.2, 19, 25, 32-8, 51, 58, 61, 64. Those who are able to take a greater interest than I can in would-be Marxist discussions of the Asiatic mode of production and bibliographical accounts of such discussions (especially in the U.S.S.R.) may consult a series of articles in *Études*: J. Chesneau, in 3 (1964) 131-46; J. Pecirka, in *ibid.* 147-69; 6 (1967) 141-74; P. Skóbiak and T. Pokora, in 5 (1966) 179-87. English readers may find useful A. M. Bailey and J. R. Llobera, 'The Asiatic mode of production. An annotated bibliography', appearing in four parts in *Critique of Anthropology*. I have seen only two parts: 'I. Principal Writings of Marx and Engels', in no. 2 of that periodical (Autumn 1974) 95-103; and 'II. The Adventures of the Concept from Plekhanov to Stalin', in nos. 4/5 (Autumn 1975) 165-76.
16. Such criticisms of Marx are often as ill-founded as the ridiculing by Dahrendorf (*CCCIS* 22) of an isolated passage in *Cap.* III.436-8 relating to joint-stock companies. This happens to be one of those places at which Marx perhaps over-indulges his taste for paradox (e.g. 'the abolition of capital as private property within the framework of capitalist production itself'). The passage becomes fully comprehensible only when read with an earlier one: *Cap.* III.382-90. (I mention this in order to refute one set of Dahrendorf's objections to Marx's theory of class.)

## [II.i]

1. 'The history of the concept of class in sociology is surely one of the most extreme illustrations of the inability of sociologists to achieve a minimum of consensus even in the modest business of terminological decisions,' says Dahrendorf, *CCCIS* 74. He then mentions nine authors who have given 'versions and perversions of the concept of class' during the last half-century, including Pitirim Sorokin, who in his *Contemporary Sociological Theories* (1928) 'counted thirty-two variations of the concept'. He proceeds to give half a dozen recent definitions, but none of them bears any resemblance to the one I adopt in this book.
2. I have seen a number of rather half-hearted attempts to bring order out of the confusion created by Marx's varying usage of the term class, none of which seems to me adequate. A characteristic example, useful as far as it goes but neither comprehensive nor profound, is Bertell Ollman, 'Marx's use of "class"', in *Amer. Jnl of Sociol.* 73 (1968) 573-80. I have not myself found much illumination in Ossowski, *CSSC*, or his 'Les différents aspects de la classe sociale chez Marx', in *Cahiers internationaux de sociologie* 24 (1958) 65-79.
3. This passage is reproduced in many anthologies compiled from Marx's writings, the most useful of which are perhaps those of Borromore/Rubel, *KM*, and Jordan, *KMECSR*.
4. Just as in the capitalist world, with its highly developed law of property, so also in the Greek (and the Roman) world, control over the conditions of production was exercised above all by property ownership, and there is no necessity for me to consider any other possible methods whereby such control might be exercised. The passage in the text leaves open the possibility that such other methods might exist - for instance, in a society without a developed property law, in which actual possession of the means of production (especially land) would be the decisive factor; cf. Claude Meillassoux, 'Are there castes in India?', in *Economy and Society* 2 (1973) 89-111, at p. 100.

5. G. W. Bowersock, in *Diodorus* (1974) 15-23, at 17-18. For a very interesting and acute appraisal of Rostovtzeff as a historian (much the best I know), see Meyer Reinhold, 'Historian of the Classic world: a critique of Rostovtzeff', in *Science and Society* 10 (1946) 361-91. There is a large bibliography of Rostovtzeff's writings (444 items) by C. B. Welles in *Historia* 5 (1956) 358-81; and there is also a biography by Welles in *Architects and Craftsmen in History. Festschr. für Abbott Payson Usher* (Tübingen, 1956) 55-73.
6. See esp. the opening section of the *Grundrisse* (E.T. 83-100); cf. the translation by David McLellan, *Marx's Grundrisse* (1971) 16-35.
7. There are some useful remarks on the different ways in which these expressions can be used by Marx and Engels, in Ronald L. Meek, *Studies in the Labour Theory of Value?* (1973) 19 n.2, 151-2. If it is not invidious to pick out a handful of examples from a large number of passages, perhaps I could mention *Cap.* I, 509; II.776, 814-16, 831, 881; and the 1859 *Preface* (*MESW* 181). See also Section III of this chapter.
8. I use the term 'primitive society' in the economic and indeed mainly technological sense. In what I am calling 'primitive societies' there may be an elaborate and sophisticated kinship structure and quite a complicated ideology; but that is entirely beside the point.
9. I make this reservation to allow for observations like those of the State of New Guinea by R. F. Salisbury, *From Spine to Steel* (1962); cf. Godelier, *RIE* 273 ff.
10. 'The creation of surplus-value (including rent) always has its basis in the relative productivity of agriculture; the first real form of surplus-value is surplus of agricultural produce (food), and the first real form of surplus-labour arises when one person is able to produce the food for two' (Marx, *TSF* II.360: 'the true physical basis of Physiocracy', according to Adam Smith).
11. H. W. Pearson, in Polanyi, *TAMEE* 320-41 (esp. 322-3), a chapter (xvi) entitled 'The economy has no surplus: critique of a theory of development'. (It would be superfluous to cite other literature in this field: enough of it is discussed by Godelier, *RIE* 289-319.) Pearson finds a sense in which 'an institutional [as opposed to a 'biologically determined'] concept of specific surpluses - their creation and employment - may be fruitfully applied to the analysis of economic development' (*ibid.* 322). But in his argument he is thinking not of the actual division of the products of human labour but of society's needs. Criticising others' use of the term 'surplus', he says, 'There is a level of subsistence which once reached provides a measure - so to speak the dam over which the surplus flows. This surplus which is beyond needs however these happen to be defined [my italics] is then in some sense available: it may be traded abroad, or used to support the existence of craftsmen, a leisure class or other nonproductive members of the society' (*ibid.*). Having committed himself to this unfortunate definition, Pearson then discusses whether 'subsistence needs' are 'biologically determined' or 'socially defined'. Rejecting the first alternative, he concludes, 'If it is held that subsistence needs are not biologically but socially defined, there is no room for the concept of absolute surplus, for then the distribution of economic resources between subsistence and other requirements is determined only within the total context of needs thus defined'. . . . If the concept of surplus is to be employed here at all, it must be in a relative or comparative sense. In brief: A given quantity of goods or services would be surplus only if the society in some manner set these quantities aside and declared them to be available for a specific purpose' (*ibid.* 323). My 'surplus' is not that which 'the society in some manner sets aside' as in some way surplus to 'its needs', but that which workers yield up, for the benefit of others, at first perhaps voluntarily in return for useful services, but later (the stage at which exploitation begins) without an adequate return, and under the influence of persuasion and compulsion.
12. Godelier, *RIE* 273-6. See also Lévi-Strauss, *SA* 338-40.
13. See IV.iv above, esp. the reference to Hülst, *BMAIF* 131.
14. The very great advances in technology in the modern world do not need documentation here; but I will mention two passages I have come across which emphasise the immense increase in agricultural productivity: Jerome Blum, *The End of the Old Order in Rural Europe* (Princeton, 1978) 136 and n.56; and V. Gordon Childe, *Progress and Archaeology* (1944), who quotes (p.24) the report of an American National Committee on Technological Trends and National Policy, 1937, to the effect that 'in 1787 the surplus produced by nineteen farmers was required to support one city-dweller; now nineteen farmers produce on the average sufficient to support fifty-six city-dwellers and ten foreigners'. I cannot give a detailed bibliography here on Greek and Roman technology. For general surveys, see H. W. Pleket, 'Technology in the Greco-Roman world: a general report', in *Tafelberg* 5 (1973) 6-47; M. I. Finley, 'Technical innovation

- and economic progress in the ancient world', in *Econ. Hist. Rev.* 18 (1965) 29-45; Finley's review-article, 'Technology in the ancient world', in *ibid.* 12 (1959) 120-5; R. J. Forbes, *Studies in Ant. Technology*, especially (on sources of energy) II<sup>2</sup> (1965) 80-130, or Forbes' chapter xvii in *History of Technology II*, ed. Chas. Singer and others (1956). For the advances in the Middle Ages, see esp. Lynn White's brilliant article, *TIMA* (1940), which, although not entirely correct in some details and superseded at several points by more accurate recent work (some of it his own), remains very well worth reading, as one of the best summary statements of the technological advances made in the Middle Ages. It is not open to as many damaging criticisms as his most recent book, *MTSC* (1962); for some of these criticisms, see the review-article by R. H. Hilton and P. H. Sawyer, 'Technical determinism: the stirrup and the plough', in *Past & Present* 24 (1963) 90-100. See also White's contribution to *Scientific Change*, ed. A. C. Crombie (1963) 272-91, cf. 311-14, 327-32; and most recently White's chapter on 'The expansion of technology 500-1500', in *FEHE: MA = the Formative Econ. Hist. of Europe, 1. The Middle Ages*, ed. Carlo M. Cipolla (1972) 143-74, including a useful bibliography (172-4). I have not yet mentioned the fullest recent account known to me in a single book of the developments in technology during the Roman Empire: Franz Kiechle, *Sklavenarbeit u. technischer Fortschritt im römischen Reich (Forsch. zur ant. Sklaverei 3)*, Wiesbaden, 1969. This is a compilation of much useful information, arranged conveniently under different headings; but it is unfortunately presented as a polemic against 'the Marxist' position, which is assumed to be that the existence of slavery was responsible for a lack of technological progress in antiquity. Some historians writing from a Marxist point of view have held this opinion, but so too have some non-Marxist historians; and if the horse that Kiechle is flogging is not quite a dead one, it is not a genuinely Marxist one either. In his introduction Kiechle begins by quoting a famous letter of Engels (which, incidentally, he cites at second hand and dates to 15 January 1895 instead of 25 January 1894; he is also unaware that it was written to W. Borgius and not H. Starkenburg), although this does not mention slavery (see *MEW XXXIX* 265-7 = *MESC* 548-51). Kiechle continues with a quotation of a well-known footnote in *Das Kapital* (*MEW XXIII* 210 n. 17 = *Cap. I* 196 n. 1), which certainly does stress factors that 'make production by slave labour such a costly process', such as heavier agricultural implements than are otherwise necessary, but says nothing about slavery hindering inventiveness. Marx is here writing about American slavery and using the very best sources then available: F. L. Olney, *A Journey in the Seaboard Slave States* (1856), and J. E. Cairnes, *The Slave Power* (1862). I myself know of nothing in Marx to justify the belief that he thought slavery necessarily a hindrance to technical progress. Nor does Engels say so in his *Origin of the Family*, although in his preparatory notes for *Anti-Dühring* he did call slavery 'an impediment to more developed production' and say that 'Greece too perished on account of slavery' (Eng. trans. 413-14, Moscow 1947 & repr.; London 1975); and in the body of that work we find the statement that slavery was 'one of the chief causes of the decay' of those peoples among whom it was 'the dominant form of production' (*ibid.* 216). Yet Engels then proceeds at once to emphasise the important progressive role that slavery played in the Greek and Roman world: 'Without slavery, no Greek State, no Greek art and science; without slavery, no Roman Empire. But without the basis laid by Greek culture and the Roman Empire, also no modern Europe.' Kiechle's work has of course been welcomed by anti-Marxists. For example, W. Döringer, reviewing it (or rather, summarising its contents) in *Gnomon* 44 (1972) 313-16, regards it as an ample refutation of what he calls 'the Marxist assertion that the institution of slavery hindered scientific-technical progress in the Roman Empire' (313); cf. 'the Marxist view that the availability of slaves rendered technical innovations unnecessary', and 'contrary to Marxist assertions that slaves always do their worst' (314, my italics). Cairnes and Olney would have been astonished by such statements). A much more critical notice of Kiechle's book, written from a Marxist point of view but making points quite different from mine, is that of K.-P. Jöns, in *Klio* 54 (1972) 379-83. I think I should add that in an *obiter dictum* in an early article, published in 1847 as part of his polemic against Karl Heinzen, Marx used the words 'the slave-economy', which caused the downfall of the republics of antiquity; but he was clearly not thinking in terms of technology, as his sentence continues, 'the slave-economy, which will provoke the most fearful conflicts in the southern States of republican North America' (*MECW VI* 325, part of 'Moralising criticism and critical morality' = 'Die moralisierende Kritik und die kritisierende Moral').
15. See Joseph Needham, *Science and Civilization in China IV*, ii (1965) 258-74; Lynn White, *TIMA* 147 and n. 4.

16. See Kiechle, *op. cit.* 155-62, and other works cited in n. 14 above. For China, see Needham, *op. cit.* 304-30.
17. On all aspects of ancient ships and sailing see Lionel Casson, *Ships and Seamanship in the Anc. World* (Princeton, 1971).
18. See Kiechle, *op. cit.* (in n. 14 above) 115-30, and Forbes, as cited in n. 14.
19. George Thomson, *Suid. in Ant. Greek Society, II. The First Philosophers* (1955) 249 ff., at 252.
20. Margaret C. Wason, *Class Struggles in Ant. Greece* (1947) 82, 36 n. 1, 143; cf. 95, 96, 98, 99, 134, 144 etc.
21. Ernst Badian, *Publicans and Sinners* (Dunedin, 1972) 42; cf. many other passages, e.g. 49, 50, 51, 84-5, 91, 93, 98, 116 (a partnership in exploitation between governing élite and Equites). The most illuminating works on the Equites are (a) P. A. Brunt, 'The Equites in the Late Republic', in *Deuxième Conférence Internat. d'Hist. Anc.* [Aix-en-Provence, 1962], Vol. I, *Trade and Politics in the Anc. World* (Paris, 1965) 117-49, with Comment by T. R. S. Broughton, *ibid.* 150-62, both repr. in *The Crisis of the Roman Republic*, ed. Robin Seager (1969) 83-115, 118-30; and (b) Claude Nicolet, *L'Ordre équestre à l'époque républicaine* (312-43 av. J.-C.) = *BEFAR* 207, esp. Vol. I, *Définitions juridiques et structures sociales* (Paris, 1966), on which see Brunt in *Annales* 22 (1967) 1090-8; Vol. II is *Prosopographie des chevaliers romains* (Paris, 1974). Cf. also Benjamin Cohen, 'La notion d' "ordo" dans la Rome antique', in *Bull. de l'Assoc. G. Budé*, 4<sup>e</sup> Série, 2 (1975) 259-82, at 264-5; Finley, *AE* 49-50. It appears from an incidental remark in *Cap. III* 596-7 that in the eyes of Marx the characteristic Eques was 'the usurer, who becomes a landed proprietor or a slaveholder himself'. Some Equites may well have made their pile in this way, but most of them will always have been primarily landowners. And see VI.iii above.
22. The use of the term 'caste' should perhaps be confined to India. For a recent short introduction by a leading sociologist, with brief bibliography, see Bottomore, *Sociology* 189-94. A book which has been greeted with an almost universal chorus of praise in the West is Louis Dumont, *Homo Hierarchicus*, which first appeared in French in 1966 and in an English translation in 1970; but it is most unsatisfactory to a historian. For a Marxist view of caste in India by a French anthropologist with African experience, see Meillassoux, *op. cit.* in n. 4 above.

## [II.ii]

1. Marx makes it clear in several places that *capital* too is 'not a thing, but rather a definite social production relation' (*Cap. III* 814); it is 'essentially the command over unpaid labour' (*Cap. I* 534).
2. See *Cap. III* 385 ('exploitation, the appropriation of the unpaid labour of others') and many similar passages.
3. Here I take a fundamentally different view from e.g. Dahrendorf, who wishes to understand class in political rather than economic terms, and for whom 'control over the means of production is but a special case of authority' (*CCCS*, esp. 136); cf. Section v of this chapter.
4. 'Most commonly', but not always: my definition allows for e.g. control being exercised by directors of a limited company who are not also majority shareholders. Cf. Marx, *Cap. III* 382-90 (and I.ii above, n. 16).
5. E.g. the treatment of barbarians in *Ann. Marc.* XVI.xi.9; XVII.viii.3-4; xiii.13-20; XIX.xi.14-15; XXIV.iv.25; XXVII.v.4-7; XXX.v.14; vii.8; and above all XXXI.xvi.8; also the assassination in XXVII.x.3-4, with XXX.vii.7. Ammianus describes without a shudder the atrocities (mutilation or burning alive) repeatedly inflicted by Count Theodosius (father of the Emperor Theodosius I, and described as exceptionally able by Amm. XXIX.v.4) on traitors and rebels in Africa; XXIX.v.22-4 (where Ammianus warmly approves the action, with a quotation from Cicero about 'wholesome severity'), 31, 43, 48-9, 50.
6. The massacre of no fewer than 700 members of the *démos* of Aegina at the end of the revolution led by Nicodromus in the early fifth century (Hdt. VI.88-91) is said to have been the work of 'the wealthy men' (*oi megētes*, 91) and was no doubt the product of class conflict between rich and poor. At Corcyra in 427 (Thuc. III.71-81) we have again and again of the *démos* on one side, some of them burdened with debt (81.4), and on the other of the *oligoi* (74.2), some of whom were 'very rich' (70.4); in 410 (Diod. XIII.48) we have the *démos* against 'the most influential people' (48.5) - class conflict again. (Here my opinion differs from that of A. Fuks, in *AJP* 92 [1971] 48-53.)

## [II.iii]

1. See esp. Marx's letter to Weydemeyer of 5 March 1852: 'No credit is due to me for discovering the existence of classes in modern society or the struggle between them. Long before me bourgeois historians had described the historical development of this class struggle and bourgeois economists the economic anatomy of the classes' (MESC 86; the continuation is very interesting). It is hard to name the 'bourgeois historians' in question: certainly they include Augustin Thierry, whom Marx calls 'the father of the "class struggle" in French historiography' (MESC 105, 27 July 1854), and who is also mentioned in the letter of 5 March 1852 already referred to, with Guizot and John Wade; probably also Mignet, mentioned, with Thierry and Guizot and 'all the English historians up to 1850'. In a letter of Engels of 25 January 1894 (MESC 350). In addition to Thierry, Guizot, Wade and Mignet, we should perhaps add Saint-Simon; and I have also seen named in this connection Linguet (on whom see Marx's letter to Schweitzer of 24 January 1865, MSC 192), Sismondi, Thiers, and even Macaulay, whom Marx despised as a 'systematic falsifier of history' (Cap. I, 717 n.1; cf. 273-4 n.2). For the emergence of class terminology in England, see Asa Briggs, 'The language of "class" in early nineteenth-century England', in *Essays in Labour History* I, ed. Asa Briggs and John Saville (rev. edn., 1967) 43-73. The expressions 'higher' and 'middle' classes are known to have appeared in the eighteenth century, 'the working classes' only in 1813. W. A. Mackinnon in 1828 defined his 'upper', 'middle' and 'lower' classes in terms of income.
2. For convenience, I will cite only one work for all three groups: (a) Cap. III.249-50, 257, 263-4, 884; (b) 266, 446; (c) 812.
3. See I.iv and its n.10 above. Mao, in his essay 'On contradiction', dating from August 1937 (see I.iv n.10 above), speaks of 'the contradiction between the exploiting and exploited classes' (discovered, he says, by Marx and Engels); he sees it as needing to develop to a certain stage before it 'assumes the form of open antagonism'. There is some very acute discussion in this essay of the principles that should guide a Marxist confronted with the kind of revolutionary situation in which Mao found himself in 1937.
4. The German originals are MECA I.v.410 = MEW III.417, and MEW XXV.399.
5. See MECA I.iii.71, 72, 77 = MECW III.262, 263, 267.
6. See e.g. MECA I.v.386-92 (= MEW III.393-9) = MECW V.408-13; MEW XXIII.309, 419, 743 = Cap. I.292, 397, 715; MEW XXIV.299-300, 306 = Cap. II.300, 308; MEW XXV.51, 147, 151, 207, 232, 243 = Cap. III.41, 139, 142, 196-7, 220, 232.
7. MECA I.i.363 = MECW III.141; and see esp. MEW XXIII.743 = Cap. I.715 (*Ausbeutung, ausbeuteten, and kapitalistische Exploitation*, all occurring close together); MEW XXIV.42 = Cap. II.37 (*Ausbeutung der Arbeitskraft*); MEW XXV.623 = Cap. III.609 (*eine sekundäre Ausbeutung*).
8. My own translation is very literal. For a more readable one, see Bonomere/Rubel, KM 99-100. I have felt obliged to turn one abstract German expression, 'Herrschafts- und Knechtschaftsverhältnis' ('relationship of domination and subjection'), into a more concrete English one, 'relationship between those who dominate and those who are in subjection'.
9. Carl N. Degler, 'Slavery on slavery', in *JEH* 19 (1959) 271-7, criticising C. G. Starr, 'An overdose of slavery', in *JEH* 18 (1958) 17-32. Degler's excellent article has unfortunately been omitted from the massive *Bibliographie zur antiken Sklaverei*, ed. Joseph Vogt (Bochum, 1971). For another critique of Starr's article, less effective than Degler's, see P. Oliva, 'Die Bedeutung der antiken Sklaverei' in *Ante Ant.* 8 (1960) 309-19, at 310-15.
10. In *AE* 186 nn.30-1 Finley reveals his reliance upon what he mistakenly calls the 'brilliant analysis' of Ossowski, *CSSC*; and in n.32 he also refers with approval to a work by Vidal-Naquet which I criticise further on in the main text above.
11. I agree with most of what J. A. Banks says in *Marxist Sociology in Action* (1970) 25-8, except that I would treat 'the relationships which labourers have with other labourers in a co-operative system' not as part of 'the material forces of production' but as part of 'the relations of production'. I am unhappy about the way the first paragraph on MSA 27 is phrased, but I warmly agree again with Banks that class struggles are 'to be seen not simply as a history of conflict between property owners and the propertyless, as such, but as an inevitable consequence of the division of society along the lines of a relationship in which the products of one class are appropriated, at least in part, by the other. In brief, however exploitation is achieved, whether through force or through socially approved methods of legal justification, the

distinction between social classes is to be drawn along the lines of the manner in which the products of labour are distributed'.

12. Arist., *Eth. Nic.* VII.13, 1161<sup>b</sup>4; *Pol.* I.4, 1253<sup>b</sup>32, with 27 ff.; cf. *Eth. Eud.* VII.8, 1241<sup>b</sup>23-4. And see Varro, *RR* I.xvii.11 *instrumentum vocale*.
13. See pp.9-10 of the Pelican paperback edition, 1968 (and repr.), a reissue of the original edition of 1963.
14. E. J. Hobsbawm, 'Class consciousness in history', in *Aspects of History and Class Consciousness*, ed. Istvan Mészáros (1971) 5-21, at 6. The italics are mine.
15. By R. Archer and S. C. Humphreys, as 'Remarks on the class struggle in Ancient Greece', in *Critique of Anthropology* 7 (1976) 67-81.
16. Charles Parain, 'Les caractères spécifiques de la lutte de classes dans l'Antiquité classique', in *La Pensée* 108 (April 1963) 3-28. The distinction seems to be a feature of French neo-Marxist thought.
17. Contrast *OPW* 90; I would now express myself differently.
18. Here I recommend the third chapter in Stamp, *PI* (86-140), entitled 'A troublesome property', which gives much interesting evidence from the Old South. R. W. Fogel and S. L. Engerman, *Time on the Cross* (1974), maintain, rightly or wrongly, that Stamp overestimates the role of punishment in the treatment of American slaves, and that he has not allowed sufficiently for rewards; but see the chapter (II) by H. Gutman and R. Sutch in *Reckoning with Slavery*, ed. Paul A. David and others (New York, 1976) 55-93. In antiquity, of course, an even more valuable reward was available than anything Southern slaveowners were normally willing to offer: manumission, the prospect of which must have been a very powerful inducement to the slave to ingratiate himself with his master. Cf. III.v above.
19. This particular passage (MECW V.432) is part of one of the comparatively few really important and excellent portions of Parts II and III of Volume I of the *German Ideology* (MECW V.97-452), on which see McLellan, *KMLT* 148-51, who is rightly critical. But I warmly agree with his totally different verdict on Part I of the same work, which he calls 'one of the most central of Marx's works... a tremendous achievement... Marx never subsequently stated his materialist conception of history at such length and in detail. It remains a masterpiece today'.
20. Among other examples of the use of the expression 'free men' in reference to a situation of class struggle against slaves, where 'slaveowners' would have been preferable, see the article by Engels in the *Neue Rheinische Zeitung* for 1 July 1848, MECW VII.153.
21. It is interesting to compare a statement made in a book published in 1836 by Eduard Gans, a progressive Hegelian whose lectures on law Marx attended in the late 1830s at the University of Berlin, and who had been influenced by Saint-Simon and his followers. 'Once,' said Gans, 'there was the opposition between master and slave, then between patrician and plebeian, and later still between feudal lord and vassal; now we have the idle rich and the worker.' (I quote from Werner Blumenberg, *Karl Marx* [trans. by Douglas Scott, London, 1972] 44-6.)
22. There was an excellent review of this book in the *Times Literary Supplement* no. 3729 (24 August 1973) 965-6.
23. I have not been able to read a book which has recently appeared: Frederick A. Johnstone, *Class, Race and Gold. A Study of Class Relations and Racial Discrimination in South Africa* (London, 1976).
24. In particular, it would be impossible, on the principles adopted by Castles and Kosack, to treat a slave *χωρίς δόξαν* (see III.iv above and its n.7 below) as belonging to a different class from the poor free craftsman, whom he would resemble in all relevant respects except that he was an unfree man, whose relatively privileged status (for a slave) was infinitely precarious.

## [II.iv]

1. The most convenient text of the *Politics* is that of W. D. Ross (*OCT*, 1957). The most useful English translation is that of Ernest Barker, *The Politics of Aristotle* (1946 and repr.); but there are occasional mistranslations, e.g. of *νεπιουκτοι* as 'serfs' (cf. III.iv above). The very detailed commentary of Newman, *PA* = W. L. Newman, *The Politics of Aristotle* (4 vols, 1887-1902), makes the same error but is not often marred by similar ones.
2. I shall give no detailed references here: see the penultimate paragraph of my AHP = 'Aristotle on history and poetry (*Poetics* 9, 1451<sup>a</sup>36-<sup>b</sup>11)', in *The Ancient Historian and his Materials* (Essays in Honour of C. E. Stevens), ed. Barbara Levick (1975), 45-58. The most useful recent book dealing

- with the 'political' and historical writings of Aristotle is Weil. AH = Raymond Weil, *Aristote et l'Histoire* (Paris, 1960).
3. *Plut., Numa* 1.6 = Diels-Kranz, *FVS\** II.330, no.86 B 3 = *FGH* 6 F 2 (in I.157; cf. 477). The Greek is τῶν Ὀλυμπιονικῶν... ἂν τὴν ἀναγραφὴν ὅψε φασιν ἰππῶν ἐκδοῦναι τὸν Ἡλείον, ἀπ' οὐδενὸς ἡμετέρον ἀναγκάσιον πρὸς πίστιν. For a change in Jacoby's view, see his *Athos* (1949) 353 n.3. See also *Athos* 58-9, 297 n.6, and *FGH* III b (Suppl., 1954) i.381.
  4. See my *AHP* (n.2 above) 52-3 and 58 n.49, citing esp. H. Bloch's admirable article, published in 1940.
  - 4a. I have not been able to take account of an article by Alexander Fuks, published posthumously as 'Plato and the social question: the problem of poverty and riches in the *Laws*', in *Anc. Soc.* 10 (1979) 33-78.
  5. According to Plato, *Theaet.* 174c, a common Greek view was that a man was εὐγενής if his family had been rich for seven generations. Some other relevant passages are quoted by J. D. Denniston in his edition of Euripides, *Electra* (1939), at pp.80-2, cf. 95. For some fifth/fourth-century attacks on εὐγένεια, see W. K. C. Guthrie, *History of Greek Philosophy* III (1969) 152-5 = *The Sophists* (paperback, 1971) 152-5.
  6. For some examples, see my *OPW* 35 nn.66, 68; and to n.68 add esp. Plato, *Rep.* IV.422c-3a.
  7. Arist., *Pol.* IV.11, 1296<sup>b</sup>22 ff., esp. 36-8. My own view is that the unnamed 'one single man' in a position of authority who set up a mixed constitution (1296<sup>b</sup>38-40) can only be Solon: cf. *Pol.* II.12, 1273<sup>b</sup>27-4011.
  8. See my *ECAPS* 10 and nn.29-32. Newman, *PA* IV.332 (on *Pol.* V.4, 1304<sup>b</sup>1), gives a list of passages in the *Politics* in which δ ἄνθρωπος (in the sense of the lower classes) is contrasted with οἱ πλούσιοι, οἱ εἰσπρατοὶ, οἱ τρεῖς οἰκίαις ἔχοντες, οἱ γυναικῶν, οἱ ἐπικρατοὶ, or even οἱ ὀπλῖται.
  9. In *Pol.* IV.4, 1290<sup>b</sup>15, some recent editors have substituted ὀλιγαρχία for δῆμος, without any MS authority. Actually, either reading can be made to fit both the immediate context (1290<sup>b</sup>30-120) and III.8, 1279<sup>b</sup>16-80<sup>b</sup>6 (esp. 1279<sup>b</sup>20-6), because the example of Colophon that follows (1290<sup>b</sup>15-17) and the imaginary case in 1290<sup>b</sup>33-7 (which seems to me precisely similar, and incidentally contains a negation of democracy) are exceptions which do not fit the definition of democracy and oligarchy given in 1290<sup>b</sup>17-20. But it is perfectly clear from III.8, 1279<sup>b</sup>17-19 and 1279<sup>b</sup>34-80<sup>b</sup>6 (esp. 1279<sup>b</sup>39-80<sup>b</sup>3), not to mention various other passages, that in Aristotle's mind oligarchy is above all the rule of the propertied class, democracy the rule of the poor, so that δῆμος is the more relevant word in 1290<sup>b</sup>15. If, however, with Newman (*PA* IV.161), we interpret 1290<sup>b</sup>14-15 as saying emphatically '[not because of their wealth but] simply because they are more numerous', there is perhaps some justification for reading ὀλιγαρχία.
  10. Cf. *Pol.* III.9, 1280<sup>b</sup>27-31; V.3, 1303<sup>b</sup>6-7.
  11. For all this, see my *OPW* 35-7 (and, on Ps.-Xen., *Ath. Pol.* in general, *OPW* 307-10, Appendix VI).
  12. This is widely admitted, however painful the fact may be to many Western ideologists. It should be sufficient to refer to S. M. Lipset, 'Elections: the expression of the democratic class struggle', in Bendis/Lipset, *CSP* 413-28, repr. from pp.230-78 of the 1963 Anchor edition (New York) of Lipset, *Political Man* (1967).
  13. I know of no work containing a fully adequate study of the concept of the 'mixed constitution', from its first appearance in *Thuc.* VIII.97.1-2 down to the Roman period. The most recent works I have seen are by Karl von Fritz, *The Theory of the Mixed Constitution in Antiquity* (New York, 1954), who concentrates on Polybius, and G. J. D. Aalders, *Die Theorie der gemischten Verfassung im Altertum* (Amsterdam, 1968), who discusses the early appearances of the concept but has not sufficiently grasped the fact, made so clear by Aristotle above all, that oligarchy was the rule of the propertied class. A very useful brief survey is that of Walbank, *HCP* 1.639-41.
  14. See my CFT. As I shall explain elsewhere (and see V.11 and its nn.30-1 below), I see nothing to make me alter my views in the article by P. J. Rhodes, in *JHS* 92 (1972) 115-27, which contains not a single valid new argument.
  15. See e.g. von Fritz, op. cit. (in n.13 above) 78-81.
  16. Arist., *Pol.* IV.8-9, 1293<sup>b</sup>31-94<sup>b</sup>41; cf. II, 1295<sup>b</sup>1-96<sup>b</sup>40; 13, 1297<sup>a</sup>38-41.
  17. See e.g. Cic., *De rep.* 1.45, 54, 69; II.41, 57 etc.
  18. Jones, *AD* 50-4; M. H. Hansen, 'Nomos and *Polis* in fourth-century Athens', in *GRBS* 19 (1978) 315-38; and 'Did the Athenian *Ecclesia* legislate after 403/2 B.C.?', in *ibid.* 20 (1979) 27-33. I wish to mention here some other recent articles by Hansen which have made a useful contribution to our knowledge of the working of the Athenian democracy: 'How many

- Athenians attended the *Ecclesia*?', in *ibid.* 17 (1976) 115-34; 'How did the Athenian *Ecclesia* vote?', in *ibid.* 18 (1977) 123-37; 'How often did the *Ecclesia* meet?', in *ibid.* 43-70; 'Demos, *Ecclesia* and *Dikasterion* in Classical Athens', in *ibid.* 19 (1978) 127-46; and 'The duration of a meeting of the Athenian *Ecclesia*', in *CP* 74 (1979) 43-9; cf. also *The Sovereignty of the People's Court in Athens in the Fourth Century B.C. and the Public Action against Unconstitutional Proposals* = *Odsen Univ. Class. Stud.* 4 (1974).
19. See e.g. *Pol.* III.4, 1277<sup>b</sup>3; IV.11, 1296<sup>b</sup>1-2; 12, 1296<sup>b</sup>29-30; 14, 1298<sup>a</sup>31; V.10, 1312<sup>b</sup>5-6 (where ἡ δημοκρατία ἢ τελευταιά is a *τυραννίς*), 35-6; 11, 1313<sup>b</sup>32-3; VI.5, 1320<sup>a</sup>17. The word *τελευταιά* is used partly because the 'extreme' form of democracy is also the last to develop, ἡ τελευταία τοῖς χρόνοις, IV.6, 1293<sup>a</sup>1.
  20. For Aristotle's conception of the relation between νόμος and θύρασμα, see his *EN* V.10, 1137<sup>b</sup>13-32 (esp. 13-14, 27-32); cf. *Pol.* IV.4, 1292<sup>a</sup>4-13, 23-5, 30-7.
  21. The main passages, given by Hansen on p.44 of his 1979 article (n.18 above), are *Pol.* IV.4, 1292<sup>a</sup>4-13 (esp. 5-7, 10), 23-5, 32-4, 33-7; 6, 1292<sup>b</sup>41 ff., esp. 1293<sup>a</sup>9-10; 14, 1298<sup>b</sup>13-15; V.5, 1305<sup>b</sup>32; 9, 1310<sup>b</sup>2-4; cf. VI.2, 1317<sup>b</sup>28-9.
  22. Cf. Hansen's two articles (n.18 above). I am not sure myself whether Aristotle would have thought of the Athenian constitution as reaching the form of 'extreme democracy' in 462/1, or after the death of Pericles, or only with the introduction of Assembly pay after 403.
  23. Arist., *Pol.* IV.3, 1289<sup>b</sup>27-30<sup>b</sup>13.
  24. For the distinction between *ἐκτεταταί* and *ἐντεταταί*, see M. I. Finkelstein [Finley], in *CP* 30 (1935) 320-36.
  25. Cf. *Pol.* IV.12, 1296<sup>b</sup>24-31; and VI.4, 1318<sup>b</sup>6-12<sup>b</sup>4; also IV.4, 1291<sup>b</sup>17-28, where the categories are muddled: they overlap. Two other passages, IV.4, 1291<sup>b</sup>30-2<sup>b</sup>13, and 6, 1292<sup>b</sup>23-3<sup>b</sup>10, are technical. Like those cited in the next note on types of oligarchy. Another passage, mentioned in the text above, viz. IV.4, 1290<sup>b</sup>38-1<sup>b</sup>8 with 1291<sup>a</sup>33-<sup>b</sup>13, is general and applies indifferently to oligarchy and democracy, although mainly more relevant to democracy.
  26. *Pol.* IV.5, 1292<sup>b</sup>39-<sup>b</sup>10; 6, 1293<sup>a</sup>12-34; VI.6, 1320<sup>a</sup>18-1<sup>a</sup>4. These texts may be compared with the two cited in the preceding note (1291<sup>b</sup>30-2<sup>b</sup>13, 1292<sup>b</sup>23-3<sup>b</sup>10) relating to democracy.
  27. I feel I must emphasise here that I have said 'non-citizens' and not 'metics', because although I made my position perfectly clear in *OPW* 265 (and n.59) and 393 ff., two of my Oxford colleagues, reviewing that book, accused me of believing that 'Greek trade was largely in the hands of metics' (G. L. Cawkwell, in *CR* 89 = n.s. 25 [1975], at 259) or of 'relying heavily on the modern theory that trade was largely in the hands of metics' (Oswyn Murray, in *Greece & Rome* 20 [1973], at 285).
  28. D. J. McCargar, 'The relative date of Kleisthenes' legislation', in *Historia* 25 (1976) 385-95, at 394-5. He refers to some of the works I have in mind; one could add e.g. R. Sealey, 'The origins of *Demokratia*', in *CSCA* 6 (1973) 253-95; and *A History of the Greek City States ca. 700-338 B.C.* (Berkeley etc., 1977), the very unsatisfactory nature of which is well brought out in the review by Paul Cartledge, in *JHS* 98 (1978) 193-4.
  29. 'Aristotle's analysis of the nature of political struggle', in *AJP* 72 (1951) 145-61, repr. in *Articles on Aristotle 2. Ethics and Politics*, ed. Jonathan Barnes and others (1977) 159-69.
  30. Virtually all occurrences of the word *τιμή* in Aristotle divide into two main groups, according in almost every case to whether the word is being used in the singular or the plural. (1) In the plural, *τιμαί*, the examples come almost entirely from the *Politics*, where *τιμαί* = ἀρχαί = offices, magistracies: this is made specific in III.10, 1281<sup>b</sup>31-2. Among other passages are II.8, 1268<sup>b</sup>20-3 (where *τιμαί* in 21 = *ἀρχαί* in 23; contrast 1268<sup>b</sup>8 for *τιμή* in the singular; cf. below); III.5, 1278<sup>b</sup>37-8; 13, 1283<sup>b</sup>14; IV.4, 1290<sup>b</sup>11-14; 15, 1297<sup>b</sup>6-8 (where *τιμαί* = τὸ ἀρχεῖν in V.8, 1308<sup>b</sup>35); V.6, 1305<sup>b</sup>2-6 (where *τιμαί* in 4 = ἀρχαί in 3); 8, 1308<sup>b</sup>10-14. (2) In the singular, *τιμή* is honour, esteem, something highly subjective, in the sense that different people may well see it very differently: it is the vital element in Weber/Finley 'status' ('soziale Einschätzung der Ehre': Weber, as quoted in translation in the main text above). The examples are almost entirely from the ethical works, e.g. (in addition to the passages quoted in the main text above, and some others) *EN* VIII.4, 1163<sup>b</sup>1-11; *EE* III.5, 1252<sup>b</sup>10-19. See also *Rhet.* I.5, 1361<sup>a</sup>27-1<sup>b</sup>2. In the *Politics* there are only one or two casual mentions of *τιμή* in the singular, e.g. II.8, 1268<sup>b</sup>8 (contrast 21, in the plural; see above); III.12, 1288<sup>b</sup>14 (athletics); and V.2, 1302<sup>a</sup>32-2<sup>b</sup>2, with 3, 1302<sup>b</sup>10-14 (*τιμή* as a cause of *τιμῶν*). There are of course a few peculiar usages, e.g. *Pol.* I.7, 1258<sup>b</sup>36 (= almost 'duty'), and VII.16, 1335<sup>b</sup>16 (= function of being in charge of); and on a few other occasions the word means something like 'valuation' (e.g. *Rhet.* II.2, 1378<sup>b</sup>30-1; 16, 1391<sup>a</sup>1-2).

31. Ernest Barker, *From Alexander to Constantine* (1956), gives a fair selection in translation, which reveals the shallowness and futility of nearly all this stuff. Little of it seems to me to reach even the modest standard of Cicero's *De republica*. Others may be able to find more of value than I can in Ernest Barker's other anthology, published a year later: *Social and Political Thought in Byzantium from Justinian I to the Last Palaeologus* (1957).

## [II.v]

1. On 'functionalism', see e.g. Böttimore, *Sociology* 42-5, 57-9, 62, 201-2, 299-300; Bendix/Lipset, *CSP* 47-72 (extracts from essays by Kingsley Davis and Wilbert Moore, Melvin M. Tumin, Włodzimierz Wesolowski, and Arthur L. Stinchcombe); Ralf Dahrendorf's Inaugural Lecture at Tübingen, 'On the origin of inequality among men', in *Essays in the Theory of Society* (1968) 151-78, repr. in *Social Inequality*, ed. André Beteille (1969 and repr.) 16-44, at pp.28 ff.; Leonard Reissman, in *Sociology: An introduction*, ed. Neil J. Smelser (1967) 225-9. For an eloquent protest by a distinguished anthropologist against what he could describe in the Marcet Lecture for 1958 as 'the functional theory dominant in English anthropology today' (the situation is rather different now), see E. E. Evans-Pritchard, *Essays in Social Anthropology* (1962, paperback 1969), 18-28 (the phrase quoted is from p.20), 46-65.
2. The passage quoted comes from 'The rise and fall of the material system: a theoretical model', in *JEH* 31 (1971) 777-803, at p.778. The earlier article by North and Thomas is 'An economic theory of the growth of the western world', in *Econ. Hist. Rev.* 23 (1970) 1-17, and the later book is *The Rise of the Western World* (Cambridge, 1973).
- 2a. Brenner's article has been criticised in many different ways, e.g. in a series of papers of very uneven value in *Past & Present* 78 (1978) 24-37, 37-47, 47-55, by M. M. Postan and John Hatcher, Patricia Croot and David Parker, Heide Wunder, and 79 (also 1978) 55-9, 60-9, by E. Le Roy Ladurie, and Guy Bois; but I have seen nothing there or elsewhere to weaken Brenner's arguments against the position adopted by North and Thomas.
3. See p.5 n.1 of their 1970 article, cited in n.2 above.
4. See 'The trend of modern economics', in Dobb's *Political Economy and Capitalism* (1937, repr. 1940) 127-84 (esp. 170-80), which has been conveniently reprinted in *A Critique of Economic Theory*, ed. E. K. Hunt and J. G. Schwartz (Penguin, 1972) 39-82, esp. 71-8. (I owe my knowledge of this work of Dobb's to Jeffrey James.)
5. There is a *Schriftenverzeichnis* of Weber's publications in German on pp.755-60 of the biography of Weber by his widow, Marianne Weber, *Max Weber. Ein Lebensbild* (repr. 1950). The most recent 'Max Weber Bibliographie', by Dirk Käster, assisted by Hehnut Fogt, can be found in *Kölner Zeitschr. für Soziologie u. Sozialpsychologie* 27 (1975) 703-30, following an article on pp.663-702 by Friedrich H. Tenbruck, 'Das Werk Max Webers'. The flow of contemporary writing on Weber shows no sign of abating. The *Hist. Zeitschr.* 201 (1965) devoted a hundred pages (529-630) to three articles on Weber, by Alfred Heuss, Wolfgang J. Mommsen, and Karl Bosl, of which the first relates specifically to the ancient world: Heuss, 'Max Webers Bedeutung für die Geschichte des griechisch-römischen Altertums', pp.529-56. Bendix, *MWIP* vii-x, gives a useful short list of Weber's main works in German, with English translations. Weber, *CIB* 311-13, has a list of English translations of Weber, with some modern works on him in English; there is also a bibliography of important works in English by Weber and others in Eldridge, *MWISR* 291-5. More recent than any of the editions and translations mentioned in this note is the unsatisfactory English translation by R. I. Frank, with the inappropriate title, *The Agrarian Sociology of Ancient Civilizations* (1976), of Weber's *AA* (see my Bibliography). I might also mention the criticisms of Weber in Polanyi, *PAME* 135-8, cf. 124.
6. Max Weber, *Die römische Agrargeschichte in ihrer Bedeutung für das Staats- und Privatrecht* (Stuttgart, 1891).
7. See Rostovtzeff, *SEHRE* 2 II.751 n.9.
8. Weber's 'Die sozialen Gründe des Untergangs der antiken Kultur', delivered in 1896 at Freiburg and published originally in the magazine, *Die Wahrheit* (Stuttgart, 1896), was reprinted in Weber's collected essays, *Gesammelte Aufsätze zur Sozial- und Wirtschaftsgeschichte* (Tübingen, 1924) 289-311. An English translation by Christian Mackauer, under the title quoted in the text above, was published in *The Journal of General Education* 5 (1950) 75-88, and reprinted in

- Eldridge, *MWISR* 254-75, and in *The Slave Economies*, Vol.I. *Historical and Theoretical Perspectives*, ed. Eugene D. Genovese (New York/London etc., 1973) 45-67; there is a different one in Weber, *ASAC* 389-411. See IV, in above, § 13(a).
9. That he could write in his *AA* 151 of 'die kaufmännische [Oligarchie] von Chios' and 'die kaufmännischen Oligarchien Korinths und Kerkiras' (contrast my *OPW* 266-7, 396) may show no more than that he took over some current 'standard views', however groundless; but in general he reveals no thorough acquaintance with the original sources for Greek history in this work or in his *WG* or elsewhere.
  10. For some interesting and justified observations on the difficulty of Weber's German, and of translating it into English, see the Preface to Gerth/Mills, *FMW* vi-vii.
  11. Most useful are Weber, *ES* (3 vols), *TSEO*, and *GEH* (the last less well translated); Gerth/Mills, *FMW*; Eldridge, *MWISR*.
  12. See Guenther Roth, 'The historical relationship to Marxism', in *Scholarship and Partisanship. Essays on Max Weber*, ed. Reinhard Bendix and Roth (paperback 1971) 227-52, at p.228; and see Gerth/Mills, *FMW* 46-50, 63.
  13. See e.g. Weber, *MSS* 103, reprinted in Eldridge, *MWISR* 228. Cf. the essay cited in the last note, at p.240.
  14. See Eldridge, *MWISR* 205 (I have altered the translation slightly). Weber's lecture, 'Der Sozialismus', is printed in his *Gesammelte Aufsätze zur Soziologie und Sozialpolitik* (1924) 492-518; see 504-5.
  15. The two passages are: (1) *WuG* 1.177-80 (= *ES* I.302-7 = *TSEO* 424-9); and (2) *WuG* 11.531-40 (= *ES* 11.926-39, mainly reprinted from Gerth/Mills, *FMW* 180-95). And see the passages quoted in the next two notes. But I agree with W. G. Runciman, *Relative Deprivation and Social Justice* (1966) 37, reprinted in the Penguin *Social Inequality* (ed. André Beteille, 1969 and repr.) 46, that it is not entirely clear what Weber meant by his 'class, status and power'!
  16. See Gerth/Mills, *FMW* 300-1, translated from *Archiv für Sozialwiss.* 41 (1915), reprinted in Weber's *Gesammelte Aufsätze zur Religionssoziologie* I, 237 ff., at 273-5.
  17. See Gerth/Mills, *FMW* 405, again trans. from an article in the *Archiv* (1916), and reprinted in Weber's *GA:RS* 11.41-2.
  18. According to Runciman, *RDSJ* (n.15 above) 37-8, reprinted in *SI* (n.15 above) 47, 'A person's "class"-situation, in Weber's sense, is the location which he shares with those who are similarly placed in the processes of production, distribution and exchange'; and he adds, 'This is close to the Marxist definition of class.' This seems to me not an entirely correct description of Weber's position.
  19. Weber, *WuG* 1.180 (= *ES* I.306 = *TSEO* 428), cf. *WuG* 11.535 (= *ES* 11.932 = *FMW* 187).
  20. Weber, *WuG* 11.534 (= *ES* 11.932 = *FMW* 186-7); cf. *FMW* 405.
  21. Weber, *WuG* 11.537 (= *ES* 11.935-6 = *FMW* 191).
  22. Weber, *WuG* 11.538 (= *ES* 11.937 = *FMW* 193).
  23. This work originated in two articles, 'Die protestantische Ethik und der "Geist" des Kapitalismus', in *Archiv für Sozialwiss.* 20 (1904) and 21 (1905), repr. in Weber's *Gesammelte Aufsätze zur Religionssoziologie* I, 17-206. There is a good English trans. by Talcott Parsons, with a Foreword by R. H. Tawney (1930 and repr.). For the controversy aroused by this work, see *Protestantism and Capitalism. The Weber Thesis and its Critics*, ed. Robert W. Green (Boston, 1959), which includes extracts from a number of authors, including Ephraim Fischhoff, Albert Hyma, and H. M. Robertson. [A second edition of Parsons's translation (1976) has a useful Introduction by Anthony Giddens and further bibliography.]
  - 23a. A German correspondent of mine (who is far from being a Marxist) correctly identified a basic element in Finley's outlook when he wrote, in a letter to me, that 'in der *Ancient Economy* Finley von den Bewusstseinsstrukturen ausgeht'.
  24. Weber, *WuG* 11.534-5 (= *ES* 11.932).
  25. Finley's 'spectrum' or 'continuum' of statuses seems to have appeared for the first time in his paper, *WGCBSL*, a lecture delivered in 1958 and published in 1959 and since reprinted more than once, e.g. in *SCA*, ed. Finley, 53-72 (see esp. p.55). It can also be found in several of his other works, e.g. *AE* 67-8, 87; *SSAG* 186; *BSF* 247, 248. And see J. Pečírka, 'Von der asiatischen Produktionsweise zu einer marxistischen Analyse der frühen Klassengesellschaften', in *Eirene* 6 (1967) 141-74, at p.172.
  26. Lys. XII.19: 120 slaves, probably including domestics as well as those who worked in the brothers' shield-factory. We hear of three Athenians who allegedly possessed even larger numbers of slaves: Nicias 1,000, Hipponicus 600, and Philemonides 300 (Xen., *De vect.* IV.14-15); but these figures are hardly reliable: see Westermann, *ASA* 461 = *SCA* (ed. Finley) 83.

27. See J. Pečírka, *The Formula for the Grant of Enktesis in Attic Inscriptions* (Acta Univ. Carolinae, Philos. et Hist. Monographia XV, Prague, 1966). The 'Conclusions' are on pp. 137-49. See also Pečírka's 'Land tenure and the development of the Athenian polis', in *IEPAΣ. Studies Pres. to George Thomson*, ed. L. Varel and R. F. Willetts (Prague, 1963) 183-201.
28. I admit that I have not thoroughly investigated this question, of which I have seen no comprehensive treatment, and I will merely give references to two very recent works: I. S. Svencickaja, in *Eirene* 15 (1977) 27-54, at 28-9, 30-1; and M. H. Crawford, in *Imperialism in the Ancient World*, ed. P. D. A. Garnsey and C. R. Whitaker (1978), at 195-6 and 332 n. 14.
29. There is a large bibliography on metics, of which it will be sufficient to mention H. Hommel, in *RE* XV.ii (1932) 1413-58; Busolt-Swoboda, *GS* I.292-303; M. Clerc, *Les métèques athéniens* (Paris, 1893, limited to Athens); A. R. W. Harrison, *The Law of Athens* I (1968) 187-99; and, most recently, Philippe Gauthier, *Symbola. Les étrangers et la justice dans les cités grecques* (Nancy, 1972), an unnecessarily verbose book of uneven quality, with a long chapter (iii, pp. 107-56) devoted largely to metics at Athens. (I do not know whether it is carelessness, or a lack of sufficient familiarity with the English language, which led Gauthier, op. cit. 180, to give a gross misrepresentation of opinions I expressed in my *NJAE* I. His statement that 'il voyait en tout et pour tout dans les *δίκαιον ἀποβόλιον* des litiges d'ordre commercial, portant sur des biens' pretends that I hold views which in fact I was at pains to refute at length: see esp. *NJAE* I.95-6, 101-3, 108-10.) See also now David Whitehead, *The Ideology of the Athenian Metec* (= *Camb. Philol. Soc. Suppl.* Vol. 4, 1977).
30. Thus in *Dig. L.xvi.239.2*, Pomponius can equate Roman *incola* with Greek *παροικος*. For *παροικος* (or *κατοικος*) as the standard Hellenistic word for what we usually call a 'metic', see Welles, *RCHP*, pp. 353, 345.
31. See n.1 above: the passage in question is in n.20, *ETS* 173 = *SI* 37, where Dahrendorf is explaining his 'substantial revision' of his previously published views. Cf. Dahrendorf's *CCCIS* 204, where he says that by 'class' he means here 'complex groups that are generated by the differential distribution of authority in imperatively coordinated associations' (cf. id. 138 etc.). His 'imperatively coordinated association' is Weber's *Herrschaftsverband* (id. 167).
32. It will be sufficient to refer to the objections to Dahrendorf's position raised by Frank Parkin, *Class Inequality and Political Order* (1971; Paladin paperback, 1972) 44-6. I agree with Parkin that 'to some extent, ... to conceive of stratification in terms of power may simply be another way of conceptualising the distribution of class and status advantages. That is, to speak of the distribution of power could be understood as another way of describing the flow of rewards ... In other words, power ... can be thought of as a concept or metaphor which is used to depict the flow of resources' (ibid. 46). And Parkin, himself particularly concerned with 'social stratification', has no occasion to notice that Dahrendorf's arguments against Marx are partly based on the mistaken assumption that Marx was seeking to account for stratification (cf. the main text of this section).
33. See George Sarton, in *Isis* 24 (1935) 107-9, quoting a letter of Newton to Robert Hooke (of 5 February 1675/6), and also Bernard de Chartres, as cited by John of Salisbury, *Metaphysicon* III.iv, 900c (see the edition by C. C. I. Webb, 1929); and cf. Raymond Klibansky, in *Isis* 26 (1936) 147(-9).

## [II.vi]

1. To my astonishment, some friends to whom I showed a draft of this section objected to the use of the word 'production' in reference to human beings, and said that treating 'reproduction' as a form of 'production' is a kind of pun. In fact, of course, neither word is essential for my argument. By 'production' (see the second of the five propositions set out in II.i above) I mean all those basic activities needed both to sustain human life, providing the necessities it requires (and if possible, of course, luxuries too), and to keep the species in being by bearing offspring and rearing it to maturity. 'Production' happens to be the most convenient single word covering both these sets of fundamental activities. I see nothing in the least objectionable in saying that farmers produce food, that at Cowley they produce motor cars, that both I and my publisher (in different senses) produce books, and that women, with some co-operation from men, produce children.
- 1a. The book, published after this chapter was finished, is David Schaps, *Economic Rights of Women in Ancient Greece* (Edinburgh, 1979), a very scholarly work.

2. It does not matter very much, for the ancient Greek world, whether it is women in general or wives whom we regard as a class, for virtually all Greek women married (see later statements in the text above). But of course this question may need to be decided in relation to other societies.
3. The fundamental general work is L. Mitteis, *Reichsrecht und Volksrecht in den östlichen Provinzen des römischen Kaiserreichs* (1891, reprinted with a Preface by L. Wenger, Leipzig, 1935). See also Crook, *LLR* 336 n. 173; Jolowicz and Nicholas, *HLSRL* 74, 346-7, 469-73 (esp. 470).
4. See A. R. W. Harrison, *The Law of Athens*, I. *The Family and Property* (1968) 1 ff. On the whole subject of Athenian marriage, see now the admirable article by E. J. Bickerman, 'La conception du mariage à Athènes', in *BDR* 78 (1975) 1-28.
5. See Harrison, op. cit. 30-2, 43, 123 n.2 (on p. 124); Claire Préaux, in *Recueils de la Soc. Jean Bodin* XI. *La Femme* (Brussels, 1959) 127-75, at 128, 163-4.
6. See Harrison, op. cit. 10-12, 132-8, 309-11.
7. See the bibliography in Rostovtzeff, *SEHW* II.623-4 (with III.1465 nn.23-5), 892 (with III.1547 n.170); *SEHRE* II.738 n.13. The reference that follows in the main text above to Poseidippus is to his fr. 11, in Kock, *CAF* III.338-9, ap. Stob., *Anthol.* IV.xxiv.c.40 (ed. O. Hense, IV.614). See also (mainly for Italy) Brunt, *IM* 148-54. [Only after this book was finished did I see the article by Donald Engels, 'The problem of female infanticide in the Greco-Roman world', in *CP* 75 (1980) 112-30, which is obviously based on greater knowledge of modern demography than most ancient historians possess. Engels' conclusion is that 'a rate of 10 percent of female births killed per year would be highly improbable, and the rate almost certainly never exceeded more than [sic] a few percent of female births in any era' (120). I of course regard the rate as impossible to estimate. My sole concern has been to show that a girl child had less chance of being reared by its own parents than a boy.]
8. The only study of this kind known to me that comes anywhere near being adequate is Herbert Preisker, *Christentum und Ehe in den ersten drei Jahrhunderten* (= *Neue Studien zur Gesch. der Theol. und Kirche* 23, Berlin, 1927).
9. There was a strong tendency among religious Jews to limit sexual intercourse even between husband and wife to the procreation of children only: see Jos., *C. Apion.* II.199; Baron, *SRHJ* II.218-19, with 408 n.2. I find it rather surprising that Paul lays down no such specific restriction.
10. Among the other 'Pauline' passages that are relevant here (most of them referred to later on in the main text) are I Cor. xi.3-15; xiv.34-5, 37; II Cor. xi.3; Coloss. III.18-19; Ephes. V.22-33 (esp. 22-4, 33); I Tim. ii.11-15; v.11-12; Tit. II.4-5. See also I Pet. iii.1-7.
11. I suppose it could be said that such passages as I Tim. ii.15 and v.14 recognise that the primary function of marriage for the woman is to produce children.
12. See Robin Scroggs, 'Paul and the eschatological woman', in *Jnl of the Amer. Acad. of Religion* 40 (1972) 283-303; and 'Paul and the eschatological woman: revisited', *ibid.* 42 (1974) 532-7. The concept is rightly rejected as a contradiction in terms by Elaine H. Pagels, 'Paul and women: a response to recent discussion', *ibid.* 538-49 - who is nevertheless, in my opinion, far too indulgent both to Paul and to Scroggs.
13. I believe that the virgin of verse 25, like the virgin of verses 36-7, may be a *subintroducta*; but the subject is too complicated to be dealt with here. (Among various texts in the Early Fathers dealing with *subintroductae* see John Chrysostom, *Adversus eos qui apud se habent virgines subintroductas*, in *MPC* XLVII.495-514.)
14. Anyone who wants to pretend that *παροικισμός* is less strong than *ἐπακοίωσις* (used e.g. of children obeying their parents in Ephes. VI.1; Coloss. III.20) should read I Pet. iii.5-6, where the two words are equated in regard to women, and compare Ephes. VI.5 and Coloss. III.22, where the word used for the obedience of slaves to their masters is *ἐπακοίωσις*, with Tit. II.9 and I Pet. ii.18, where it is *υποταγή*. I must add here that only in one small respect can I admit that St. Paul improved on the attitudes to marriage existing in his day: see David Daube, 'Biblical landmarks in the struggle for women's rights', in *Juridical Review* 23 (1978) 177 ff., at 184-7 (esp. 185-6). But what Daube calls 'an enormous step forward' (an exaggeration, to my mind) is such by comparison only with Jewish ideas about marriage. (Note, by the way, Daube's correction of the article, 'Pauline privilege', in *ODCC* 2 1054.) Of course forms of *υποταγή* are used of wives by pagan Greek writers, e.g. Plut., *Prac. coniug.* 33 = *Mor.* 142c (*υποτασσάμεναι*), who applies to the husband's role not only such terms as *ἡγεμονία* καὶ *προκαίματος* (139d) but also *καρτεία* (as soul to body) and *ἄρχειν* (142c). Plutarch's ideal of woman's behaviour is *ἐκκαμία καὶ σωφροσύνη* (142d).
15. In I Cor. vii. 30(-1), where Paul presumably had in mind sayings of Jesus such as those contained

- in our Synoptic Gospels (Mk X.2-12, esp. 11-12; Mt. V.31-2 and XIX.3-12, esp. 9; Lk. XVI.18), he felt able to say specifically, 'Unto the married I command [παρρηγέλλω], [yet] not I but the Lord.' Yet in verse 12 it is 'To the rest speak I, not the Lord'; in verse 6 he says, 'But I speak this by way of permission and not of commandment' (κατὰ συγγνώμην, οὐ κατ' ἐπιταγήν), meaning that he is allowing, on his own authority, an exception from what he regards as God's general rule; and in verse 25 he remarks, 'I have no commandment [ἐπιταγή] from the Lord concerning virgins' – a text on which I have already commented in the main text above. In verse 40, however, at the very end of the chapter, he says (replying perhaps to those who claimed divine inspiration along different lines), 'I think I also have the Spirit of God.' And at the end of another chapter, immediately after giving instructions to women to be silent in church, he says (specifically replying again to anyone else who might claim to speak with special prophetic or spiritual gifts), 'The things that I write unto you are the commandment [ἐπιτολή] of the Lord' (xiv.37).
16. For example, I Cor. xiv.34-6; Coloss. III.18; I Tim. ii.11-14; Tit. II.5; and above all, of course, Ephes. V.22-4, 33.
  17. Stephen Bedale, 'The meaning of κεφαλή in the Pauline Epistles', in *JTS* n.s.5 (1954) 211-15. Good examples illustrating his thesis are Coloss. I.18; II.10, 19; Ephes. IV.15.
  18. In the Old Testament the Hebrew word *rosh*, primarily 'head' in the anatomical sense, can also be used for a ruler, chief, captain, commander etc. In that sense the LXX commonly translates ἄρχων, ἄρχῃ, or ἀρχηγός (also ἡγούμενος, ἀρχιδάσας, ἀρχιεπιστάτης), but occasionally it uses κεφαλή; e.g. in Ps. XVIII.43; Isai. VII.8-9; Judg. XI.11; and cf. the head/tail metaphor in Deut. XXVIII.13 and 44, and Isai. IX.14. I suspect that Ps. CXVIII (CXVII in LXX).22, εἰς κεφαλὴν γυναικός (also translating *rosh*), may have been a particularly influential passage with those early Christians who (like St. Paul) knew the Hebrew as well as the LXX text, for it is quoted no fewer than five times in the New Testament: Mt. XXI.42 = Mk XII.10 = Lk. XX.17; Acts IV.11; I Pet. ii.7; cf. I Pet. ii.6 (and Ephes. II.20), where ἀκρογωνιαίος comes from the LXX of Isai. XXVIII.16. Scroggs, op. cit. (in n.12 above), concentrates on the fact that *rosh* in the sense of rule or lordship is rarely translated κεφαλή in the LXX – he thinks that when it is, the translator was being 'wooden-headed or sleepy' (op. cit. [1974] 534-5 n.8). He fails to realise the significance of the fact that *rosh*, the main Hebrew word for 'head', is very often used in a sense which demands translation by the Greek words I have mentioned that signify rule or authority, and that thus, for those familiar with the Hebrew O.T. as well as the LXX, would of itself tend to endow the Greek word for 'head', κεφαλή, with the authoritarian sense in which we find it used a few times in the LXX and by St. Paul.
  19. Bedale, op. cit. (in n.17 above) 214-15, at 215.
  20. Op. cit. 214. It even 'includes the "sonship" of the Christ himself': in I Cor. xi.3 God is the 'head' of Christ. And it comes in very nicely to explain the relationship of Christ to the Church in Ephes. V.23-4. But of course in Ephes. I.22, κεφαλὴν ὑπὲρ πάντα τῇ ἐκκλησίᾳ, it is purely the authority of Christ, his 'overlordship', which is being stressed, as Bedale half admits (214).
  21. As for example Scroggs has done, op. cit. (in n.12 above), esp. (1972) 298-9 n.41, where he can even misrepresent Bedale as interpreting κεφαλή 'to refer to source or origin, not lordship' (my italics). Scroggs makes some outrageous statements, to the effect that Paul is 'the only certain and consistent spokesman for the liberation and equality of women in the New Testament', and 'the one clear voice in the New Testament asserting the freedom and equality of women in the eschatological community' (op. cit. [1972] 283 and 302).
  22. I know of nothing similar in pagan literature, except the religious reason (the prestige of Isis) given by Diod. Sic. I.27.1-2 for the supposed fact that in Egypt the queen 'has greater power and honour than the king, and that among private individuals the wife has authority over her husband' – where Diodorus uses the same verb, *καρτερεῖν*, as the LXX version of Gen. III.17 (16) for the husband's authority over the wife!
  - 22a. The article by Averil Cameron, 'Neither male nor female', has now been published in *Greece & Rome* 27 (1980) 60-8.
  23. It is true that no woman could be a *paterfamilias*, but his dominance extended to his whole family, including even grown-up sons, whereas his wife, unless married on condition of passing into his *manus*, would still be under the *potestas* of her own father as long as he lived. All juristic systems have made children up to a certain age legally incapable of many things, e.g. entering into contracts and making wills. Roman law simply extended this situation farther than other systems – in the absence of *emancipatio*, to the death of the father (or grandfather).

24. Cf. Levit. XVIII.19. The Hebrew word used in XX.18 normally signifies execution or expulsion from the community, and it is represented in the LXX by ἐξολοθρευθήσονται. Levit. XV.24 (like its whole context) had no occasion to specify any penalty, apart from 'uncleanness'.
25. See my 'Herodotus', in *Greece & Rome* 24 (1977) 130-48, at 146-7 and 148 n.24.
26. For Dionysius 'the Great' of Alexandria, see the Second Canon in his Letter to Basilides of Pentapolis (Cyrenaica), in the standard edition of his works by C. L. Feltoe, *The Letters and other Remains of Dionysius of Alexandria* (1904) 102-3; and MPG X.1281. The English translation by Feltoe, *St. Dionysius of Alexandria, Letters and Treatises* (1918) 81, delicately omits this part of the letter and the following sections, with the words, 'Three rulings follow on points which it is not necessary to set out here.' There is, however, a full English translation of the letter by S. D. F. Salmond, in Vol. XX of the *Ante-Nicene Christian Library* (Edinburgh, 1871) 196-201. This letter was subsequently included in the standard Byzantine collections of Canon Law; see G. A. Jelliss and M. Potlis, *Σύνταγμα τῶν βιβλικῶν καὶ λεγόντων κανόνων* . . . IV (Athens, 1834) 7, where the comments of Zonaras and Balsamon are also printed (7-9). For the letter of Timothy, Answer 7, see Rallis and Potlis, op. cit. IV.335; and MPG XXXIII.1300. For Canon 2 of the Council in Trullo, maintaining Dionysius's canons, see Hefele-Leclercq, *HC* III.i (1909) 563; J. D. Mansi, *Sacrorum Conciliorum Nova et Amplissima Collectio* XI (1765) 939-42. (I am grateful to my former pupil in ancient history, Dr Kallistos Ware, for help with some of the references in this note.)
27. Jerome, *Contra Helvid.* (esp. 2, 21, 24); *Contra Vigilant.* (with *Epist.* CIX, esp. 1, 2); *Contra Jovinian.* I (esp. 40); *Vita Pauli* 3; *Vita Malchi* 6; *Epist.* XXII (esp. 7); LII.2-3; LV.3-4; LXXIX (esp. 10); CVII (esp. 11); cf. XIV.10 ('He that is once washed in Christ needs not to wash again' – a very forced interpretation of Jn XIII.10; CVIII.15; CXXXIII; CXXVIII; CXLVII. It is very interesting to find, from the casual allusion in *Cap.* I.103 n.1, that Marx had read Jerome, *Epist.* XXII.7, 30. 'Those who wish to read a scholarly account by a Christian of Jerome's attitude to sexuality, marriage and virginity should begin with J. N. D. Kelly, *Jerome, His Life, Writings, and Controversies* (1975) 98-9, 100-3, 104-7, 171-2, 180-91, 273-5, 312-13. The comment on p.183 is particularly interesting: 'I was St. Paul whom he [Jerome] made his chief oracle, twisting the famous texts of I Corinthians 7 and I Timothy to wrest from them an even greater aversion to marriage and second marriages than they contain.')
28. In addition to Hense's introduction to his text and the article by Lutz, see A. C. van Geytenbeek, *Museonius Rufus and Greek Diatribe*, rev. edn., translated by B. L. Hijmans (Assen, 1963), esp. ch.iii, pp.51-77; and M. P. Charlesworth, *Five Men* (= Martin Classical Lectures, Vol.VI, Cambridge, Mass., 1936) 33-62.
29. The references to the passages I have quoted from Museonius are as follows (according to Lutz's edition): (1) fr. XIIIa, pp.88-9; (2) fr. XIV, pp.94-5; (3) fr. IV, pp.44-5, and XII, pp.86-7 and 88-9; (4) fr. XIV, pp.90-7; (5) fr. IV, pp.42-9, and III, pp.38-43. It is true that in fr. XII, p.86.4-8, Museonius sees the only purpose of sexual intercourse as the begetting of children, and regards it as 'unjust and unlawful when it is mere pleasure-seeking, even in marriage'; but this was an attitude taken up by many Christians, and to many of us today it seems less objectionable than the Pauline conception of marriage as a second-best to complete virginity and an unfortunately necessary way of sanctifying what would otherwise be sinful lust.
30. I have not thought it necessary to give much bibliography in this section. There is a 'Selected bibliography on women in antiquity' in *Athenaeum* 6 (Spring 1973) 125-57, by Sarah B. Pomeroy, whose book, *Goddesses, Whores, Wives, and Slaves. Women in Classical Antiquity* (New York, 1975), also gives on pp.251-9 a long bibliography to which many additions could already be made, e.g. two important articles by E. Bickerman: the one mentioned in n.4 above, and 'Love story in the Homeric Hymn to Aphrodite', in *Athenaeum* n.s. 54 (1976) 229-54. For anyone tempted to accept the ridiculous idea, advocated in recent times by some admirers of Plato, that Plato was a 'feminist' should read the excellent article by Julia Annas, 'Plato's Republic and feminism', in *Philosophy* 51 (1976) 307-21, which, in spite of its title, is not limited to the *Republic* but glances at other works by Plato, including the *Timaeus* (of which in particular 42b and 90c-91a are too rarely noticed in this connection; see *ibid.* 316) and the *Laws* (esp. VI.780d-1b; XI.917a; see *ibid.* 317). The main qualification I would make is that the very bad position in which Plato would leave women in the *Laws* is very like their condition at Athens but should not be described as 'the position of fourth-century Greek women' (*ibid.* 317, my italics), since even then there were Greek states which gave women a much better status in regard to property etc. than did Athens; see above, n.1a and my OPRAW. It should surprise

no one to find Plato choosing an unpleasant and repressive alternative when there were more progressive ones in the world around him. [After this book was in proof there appeared the best single article I have seen on the position of women in Classical Athens: John Gould, 'Law, custom and myth: aspects of the social position of women in Classical Athens', in *JHS* 100 (1980) 38-59.]

## [III.i]

1. I have written a very full technical analysis of the Solonian *τελε*, which I hope to publish shortly.
2. See Ulrich Wilcken, *Griechische Ostraka aus Ägypten und Nubien* (Leipzig/Berlin, 1899) 1.506-9; *Grundzüge und Chrestomathie der Papyrskunde* (Leipzig, 1912) I (Hist. Teil) i.342-3.
3. The theory is that of Rudi Thomsen, *Eisphora. A Study of Direct Taxation in Ancient Athens* (Copenhagen, 1964), my review of which is in *CR* 80 = n.s. 16 (1966) 90-3. Cf. Jones, *RE* 154 n.21, describing Thomsen's book as 'a baseless phantasy'. My own views on the eisphora are given in 'Demosthenes' *τμήμα* and the Athenian eisphora in the fourth century B.C.', in *Class. et Med.* 14 (1953) 30-70. I gladly accept the small modification suggested by Davies, *APF* 126-33, at 131.

## [III.ii]

1. Among much modern writing on ancient sport, see esp. H. W. Pleket, 'Zur Soziologie des antiken Sports', in *Mededelingen van het Nederlands Instituut te Rome* 36 (1974) 57-87; and 'Games, prizes, athletes and ideology. Some aspects of the history of sport in the Greco-Roman world', in *Stadion* 1 (1976) 49-89, esp. 71-4.
2. Heracl. Pont., fr. 55, in Fritz Wehrli, *Heraclides Pontikos*<sup>2</sup> (= *Die Schule des Aristoteles* VII, 2nd edn, Basel, 1969), from Athen. XII.512b.
3. In Classical Athens I have come across only one certain example of a man who is said to have owned more than one ship: Phormio, the former slave of Pasion (Ps.-Dem. XLV.64).
4. *AE* 40-1. A similar mistranslation of *πρὸς ἄλλον ζῆν* ('that he does not live under the restraint of another') appears also in two other articles by Finley, *WGCB* 148 = *SCA* 56; and *BSF* 239.
5. See e.g. Arist., *EN* IV.3, 1124<sup>b</sup>31-5<sup>2</sup> (a fascinating passage); *EE* III.7, 1233<sup>b</sup>34-8. Aristotle uses a slightly different form of words for exactly the same idea in *Metaph.* A.2, 982<sup>b</sup>24-8, where he describes the *ἄνθρωπος ἐλεύθερος* as *ὁ αὐτοῦ ἐνεκα καὶ μὴ ἄλλου ὄν*. See also *Pol.* III.4, 1277<sup>b</sup>3-7; VIII.2, 1337<sup>b</sup>17-21.
6. I have treated the Peloponnesian League at length in my *OPW*, ch. iv (esp. 101-24), also 333-42. For the Delian League and Athenian Empire, see V.ii above and its nn.26-7 below; cf. my *OPW*, esp. 34-49, 298-307, 310-14, 315-17. For the Second Athenian Confederacy, see V.ii n.35 below.
7. We are told by Xenophon (*HG* III.i.28) that the wealth in the family treasury was sufficient to provide pay for an army of 8,000 men for 'nearly a year' - a statement which looks to me like a genuine attempt to give an estimate of the real value of the treasure. Now we may take mercenary pay at this date for land troops to have been 25 drachmae per month or a little more for the ordinary soldier; double that sum might be given to the junior officer and four times as much to a senior commander (see e.g. Xen., *Anab.* VII.ii.36; iii.16; vi.1). If we understand 'nearly a year' as ten or eleven months, we can estimate the wealth in the treasury as somewhere in the neighbourhood of 350 talents.
8. See M. Dandamayev, 'Achaemenid Babylonia', in *Ancient Mesopotamia, Socio-Economic History*, ed. I. M. Diakonoff (Moscow, 1969) 296-311, esp. 302.
9. On the 'King's friends', see E. Bickerman, *Institutions des Séleucides* (Paris, 1938) 40-6; C. Habicht, 'Die herrschende Gesellschaft in den hellenistischen Monarchien', in *Vierteljahrschrift für Sozial- und Wirtschaftsgeschichte* 45 (1958) 1-16; Rostovtzeff, *SEHWW* I.517-18; II.1155-6 etc. The wealth of these men would of course be mainly in land, but Dionysius, the Secretary of Antiochus IV, could produce no fewer than 1,000 slaves carrying fine silver plate as a contribution to the magnificent procession organised by Antiochus at Daphne near Antioch in 166: see Athen. V.194c-5f, at 195b = Polyb. XXX xxv.16.
10. See e.g. Rostovtzeff, *SEHWW* II.805-6 (with III.1521-2 n.76); 819-26 (with III.1527-8 n.98);

- 1143-9 etc.; *SEHRE*<sup>2</sup> I.149-51, with II.601-2 n.13; 563 n.20, etc.; Tarn, *HC*<sup>3</sup> 108-13. As far as I know, the largest fortune attributed to a Greek during the late Republic and Principate is the HS 100 million (well over 4,000 talents) credited by Suetonius, *Vesp.* 13, to Ti. Claudius Hipparchus (the grandfather of Herodes Atticus). Among the others are Pythodorus of Tralles, the friend of Pompey, who is said by Strabo (XIV.i.42, p.649) to have had over 2,000 talents (= HS 48 million); and Hiero of Laodicea-on-the-Lycus, who is said by Strabo again (XII.viii.16, p.578) to have bequeathed to his city over 2,000 talents.
11. Christian Habicht, 'Zwei neue Inschriften aus Pergamon', in *Istanbuler Mitteilungen* 9/10 (Deutsches Archäologisches Institut, Abteilung Istanbul, 1960) 109-27, at pp.120-5. See also Levick, *RCSAM* 103-20.
  12. See C. S. Walton, 'Oriental senators in the service of Rome: a study of Imperial policy down to the death of Marcus Aurelius', in *JRS* 19 (1929) 38-66; P. Lambrechts, 'Trajan et le recrutement du Sénat', in *Ann. Cl.* 5 (1936) 105-14; Mason Hammond, 'The composition of the Senate, A.D. 68-235', in *JRS* 47 (1957) 74-81; *The Antonine Monarchy* (Rome, 1959) 249 ff., esp. 251-4; and the standard prosopographical works (some of them very out of date) by S. J. de Laet (28 B.C. - A.D. 68), B. Steh (69-117), P. Lambrechts (117-192), and G. Barbieri (193-285), describing the composition of the Roman senatorial order in the Principate, which (with the work of P. Willemms on the Republican Senate, 1883-5) are conveniently listed in *OCD*<sup>2</sup> 975, in the article 'Senatus' by A. Momigliano.
  13. Levick, *RCSAM* 111-19, gives an excellent appraisal of the main senatorial families of Pisidian Antioch, esp. the Caristani and Flavonii. For Antiochia etc., see esp. *RCSAM* 127 and its nn.3-4.
  14. See Jones, *LRE* II.554-7, 781-3, cf. 710-11.
  15. Tarius Rufus is no. 13 in Duncan-Jones's list of great private fortunes under the Principate (*EREQS* 343-4, App. 7), and his reputed wealth is the same as that of the richest Greek in that list, Ti. Claudius Hipparchus, for whom see n. 10 above.
  16. Justinian is said to have spent 4,000 lb. gold on his games at Constantinople when he became consul for the first time in 521, in the reign of Justin (*Chron. Min.* II.101-2, remarking upon the sensation this caused - the figure was extraordinary for Constantinople). Olympiodorus fr. 44 speaks of 1,200 lb. gold being spent by Probus, son of Olybrius, on his praetorian games (this will have been in Rome, c. 424), and 2,000 lb. gold by Symmachus on his son's praetorian games (at Rome in 401); he also refers to the expenditure of 4,000 lb. gold on praetorian games which must be those given at Rome in the praetorship (in 410 or a year or two later) of Petronius Maximus, who became emperor in the West for a few weeks in 455: see Chastagnol, *FPRBE* 283. On the 'games' in general, see Jones, *LRE* II.1016-21.
  17. J. O. Maenchen-Helffer, *The World of the Huns* (1973) 459, regards Olympiodorus's statements as of 'questionable value'. He believes that 'most figures in Olympiodorus are dubious and some are outright fantastic'. But to my mind the figures in n. 16 above (including the first, from the sixth-century *Chronicle* of Marcellinus Comes), some at least of which would probably be matters of common knowledge, are consistent with those given in the text above - although of course they cannot be taken to confirm them. On Olympiodorus, see also E. A. Thompson, 'Olympiodorus of Thebes', in *CQ* 38 (1944) 43-52; J. F. Matthews, 'Olympiodorus of Thebes and the history of the West', in *JRS* 60 (1970) 79-97.

## [III.iii]

1. Amphis, fr. 17.2-3, in Kock, *CAF* II.241, from Stobaeus, *Anthol.* IV.ii, cap. xv.4, ed. O. Hense (Berlin, 1909), IV.377. Cf. other passages included in the same chapter (xv, pp.376-88).
2. The best short account in English of Xenophon's life and writings is by G. L. Cawkwell in his Introduction (pp.9-48) to the reissue of the Penguin Classics translation of Xenophon's *Anabasis*, by Rex Warner: *Xenophon. The Persian Expedition* (1972).
3. The last passage is Xen., *Oecon.* VI.8-9. Other relevant portions of the same work are IV.4-17, 20-5; V.1-20 (esp. 1); VI.1-11; XII.19-20; XV.3-12 (esp. 4, 10, 12); XVIII.10; XIX.17; XX.1, 22; XXI.1. And see IV.iv n.5 below.
4. Fronto, *Epist. ad M. Caes.* IV.vi.1 (a letter from Marcus to Fronto), p. 63 ed. M. P. J. van den Hout, 1954, cf. *Hist. Aug., Aut. Pius* 11.2. In § 2 of the same letter Marcus tells Fronto how he and his father had afterwards enjoyed themselves, listening to 'the yokels (*rustici*) chatting one another' in the oil-press room.

5. For both these passages see Cicero, as quoted immediately in the main text above; also e.g. Pliny, *NH* XVIII.18-20; Val. Max. IV.iii.5 (Curius); iv.7 and Livy III.26.6-10 (Cincinnatus). According to Livy III.26.8, Cincinnatus had only 4 *iugera* (c. 2½ acres); cf. Val. Max. IV.iv.7, where he has 7 *iugera* (less than 3 acres) but loses 3 which are given in suretyship for a friend and forfeited – a characteristic moralising touch; cf. Plut., *Sol.* 2.1, quoted in the main text above. M. Atilius Regulus (consul 267 and 256) is another such figure: in the most detailed version of his story, that of Val. Max. IV.iv.6, he is said to have written to the Senate in 256-5, asking to be relieved of his command in Africa, on the ground that the overseer (*vilius*; cf. Pliny, *NH* XVIII.39) of his farm of 7 *iugera* had died and a hired man (*mercenarius*; cf. Senec., *Dial.* XII = *Ad Helv.* xii.5; and the *mercenarii* in Livy, *Per.* XVIII) had decamped with his stock, so that his family were in danger of destitution unless he returned to them. (In Col., *RR* I.iv.2, Regulus is described as the cultivator of a *pestilentis sordis exilis agri* at Paphlagonia, for which cf. Varro, *RR* I.ii.5.) I agree with Brunt: the story of Regulus 'can hardly be true of a noble and a magistrate even in the third century, but illustrates what must have been the plight of many common soldiers in the foreign wars' (*IM* 642-3).
6. See the Pelican Classics edition by Bernard Crick, *Machiavelli: The Discourses* (1970) 245-6, 247. The translation is a revision of that by Leslie J. Walker, *The Discourses of Niccolò Machiavelli*, 2 vols (London, 1950), from *Tutte le opere storiche e letterarie di Niccolò Machiavelli*, ed. Guido Mazzoni and Mario Casella (Florence, 1929) 127.
7. In Lutz's edition, of 1947 (in *YCS* 10; see II.ii above), this is fr. XI, pp.80-5, from Stobaeus. Lutz's translation is 'without violating one's dignity or self-respect'. There may be some reflection of Musonius' attitude towards farming in Dio Chrysostom, who was said to have been influenced by him; see Brunt, *ASTDCS*, esp. 13.
8. The passage in question is part of 'New Fragment 21', published by M. F. Smith, *Thirteen New Fragments of Diogenes of Oenoanda* = Österreich. Akad. der Wiss., Philos.-hist. Klasse, *Denkschr.* 117 (Ergänzungsbande zu den *Tüb. Asiae Minoris* 6, Vienna, 1974) 21-5; and see p.8 for a full bibliography, including C. W. Clifton, *Diogenes Oenoadi. Fragmenta* (Leipzig, 1967); and *Diogenes of Oenoanda. The Fragments, a Treatise, and Commentary* (London etc., 1971).
9. See P. Grandor, *Un milliardaire antique, Hérode Atticus et sa famille* (Cairo, 1930); John Day, *An Economic History of Athens under Roman Domination* (New York, 1942) 235-6; K. Münscher, in *RE* VIII.1 (1912) 923; Rostovtzeff, *SEHRE* I.151.
10. Frank, *ESAR* V.208-9, at 209; cf. his *Economic History of Rome* (1927) 227-31, at 230-1; and Helen J. Lowne, *Industry and Commerce of the City of Rome (50 B.C. - 200 A.D.)* = *Johns Hopkins Univ. Stud. in Hist. and Pol. Science* LVI.2 (Baltimore, 1938) 101-5; also T. P. Wiseman, 'The potteries of Vibienus and Rufrenus at Arretium', in *Museon* 4.16 (1963) 275-83.
11. I have seen so far only Tapio Helen, *Organisation of Roman Brick Production in the First and Second Centuries A.D. An Interpretation of Roman Brick Stamps* = *Annales Academiae Scientiarum Fennicae Dissertationes Humanarum Litterarum* 5 (Helsinki, 1975); and Päävi Setälä, *Private Domini in Roman Brick Stamps of the Empire. A Historical and Prosopographical Study of Landowners in the District of Rome* = id., 10 (Helsinki, 1977). Their views seem to be gaining general acceptance: see e.g. the review of Setälä's monograph by A. M. Small, in *Phoenix* 33 (1979) 369-72, who says Helen has convinced him 'that *figlinae* are clay districts and not brick works. A *dominus figlinarum* did not on this definition necessarily involve himself in brick production, though he exploited his land by renting it out to *officinae* of a lesser order. This interpretation radically affects some current ideas about the nature of the involvement of the Roman aristocracy in industry' (370).
12. There is a good discussion of the original meaning of the Latin word *negotiator* and of the later change in its meaning in Rougé, *ROCMM* 274-91, 293-4, 302-19. For the earlier phase, see Jean Hatzfeld, *Les trafiquants Italiens dans l'Orient Hellénique* (Paris, 1919), Part II, pp.193 ff. (esp. 193-6, 234-7).
13. *Moesia Inferior*, because the law is addressed to Florus, who was praetorian prefect of the East, and *Moesia Inferior*, in the Thracian diocese, was in that prefecture, whereas *Moesia Superior* was in the Dacian diocese and the praetorian prefecture of Illyricum.
14. The Latin is 'nobiliores natalibus et honorum luce conspicuos et patrimonio ditiores perniciosum uribus mercimonium exercere prohibemus, ut inter plebeum et negotiatores facilis sit emendi vendendique commercium'. I have adapted the translation of Jones, *LRE* II.871, merely trying to give effect to the comparative adjectives (*nobiliores, ditiores*), which in texts of this period are often used as mild forms of the superlative, both in legal texts and in

- literary authors such as Ammianus.
15. *SIG*<sup>3</sup> II.880 = *IGRR* I.766 = *AJ* 131. There is an Eng. trans. in *ARS* 224, no.274. See Jones, *CERP*<sup>2</sup> 22-3 (rev. G. Mihailov).
16. On the *navicularii*, see Jones, *RE* 57-9, 399-401; *LRE* II.827-9 (with III.272-4); Rougé, *ROCMM* 233-4, 239-43, 245-9, 263-5, 431-5, 471-2, 480-3.
17. Cardascia, *ADCHH* 379; followed by Garnsey, *SSLPRE* 258 n.1. (The use of the word *negotiantes* in the sense of *negotiatores* is anyway unique to Dig. XLVII.xi.6.pr.) I would point out that *CTH* XIII.v.16.2 specifically emphasises that other *negotiatores* will not be allowed to obtain *immunitas* by the fraudulent pretence of being *navicularii*. Cf. above and Dig. I.vi.1.pr.
18. There is a useful brief sketch in Jones, *RE* 54-5, with references, e.g. to Frank, *ESAR* V.236-52; F. H. Wilson and R. Meiggs, *Roman Asia* (there is now a 2nd edn., 1973), one of our best books on any Roman town. For Putcoli, see J. H. D'Arms, 'Putcoli in the second century of the Roman Empire: a social and economic study', in *JRS* 64 (1974) 104-24, with ample references to the earlier literature.
19. For Lugdunum and Arelate, see Jones, *RE* 52-4. The situation was the same at Narbo. This does not emerge sufficiently from Rostovtzeff's account in *SEHRE*<sup>2</sup>, e.g. I.166-7, 218, 223, 225; II.607 n.21, 611-13 n.27. Cf. Broughton, in Seager (ed.), *CRR* 127-8, 129-30.
20. On Palmyra, see Jones, *CERP*<sup>2</sup> 219, 231, 265-6 (with 458-9 nn.51-2), 563-4; *RE* 55-7, 145; Rostovtzeff, *SEHRE*<sup>2</sup> 1.95 (with II.575 n.15), 157 (with II.604-7 nn.19-20), 171-2 (with II.614-15 n.34), 267-9 (with II.662-3 nn.28, 31); *The Caravan Cities* (1932); 'Les inscriptions caravannières de Palmyre', in *MH. G. Gloss* (Paris, 1932) II.793-811; I. A. Richmond, 'Palmyra under the aegis of Rome', in *JRS* 53 (1963) 43-54; J. P. Rey-Coquais, 'Syrie romaine de Pompée à Dioclétien', in *JRS* 68 (1978) 44-73, esp. 51, 54-6, 59-61.
21. On Petra, see Jones, *CERP*<sup>2</sup> 200-3 (with 467-8 n.88), 568; *RE* 57, 141, 143, 144, 150; Rostovtzeff, *SEHRE*<sup>2</sup> 1.94-5 (with II.575 n.14, 596-7 n.4), 157; *The Caravan Cities* (1932). Recent bibliography on Petra will be found in G. W. Bowersock's article, 'A Report on Arabia Provincia', in *JRS* 61 (1971) 219-42. As for Edessa and Nisibis, both important centres of commerce, I know of no evidence of rich merchants in their curial class. See e.g. J. B. Segal, *Edessa, 'The Blessed City'* (1970) 136-8, cf. 29-31. It is significant that in 498, when Anastasius abolished the *chrysargyron/collatio hortalis* in the East, Edessa had been paying at the rate of 140 lb. gold every four years, or 2,520 solidi per annum – yet the tax in question included all *negotiatores* in the widest sense (see the main text above, at n.12); Josh. Styl., *Chron.* 31, from whom our information comes, dilates on the general enthusiasm caused by the abolition of the tax, which evidently affected a very large number of people. At Barnac in Anthemusia (in Osrhoene) we hear of many *mercatores opulentes*, but only at the annual fair in early September, at which articles traded from India and China were sold, among other things (*Amm. Marc.* XIV.iii.3).
22. See Arist., fr. 549, ap. Athen. XIII.576ab; Justin XI.iii.4-13; Livy V.34.7-8, for the main accounts of the foundation of Massilia. Aristotle says the Phocaeans founded the city 'in the course of trade' (*ἐμπορίας χρωμένον*); but cf. Justin, loc. cit., esp. iii.5-8, with Hds I.163-7 (esp. 163.1; 166.1; piracy).
23. H. W. Pleket, 'Economic history of the ancient world and epigraphy: some introductory remarks', in *Akten des VI. Internationalen Kongresses für Griechische u. Lateinische Epigraphik* = *Vestigia* 17 (1972) 243-57, at 253-4.
24. See Rostovtzeff, *SEHRE*<sup>2</sup> II.655 n.5, for a much better text of *IGRR* IV.186 (the epitaph of Myrinus) – which, by the way, is misinterpreted in Ziebarth's n.1 to *SIG*<sup>3</sup> 1229 = *IGRR* IV.841, the interesting inscription of Flavius Zenxis, of Hierapolis in Phrygia, who claimed to have made 72 voyages around Cape Malea to Italy.

## [III.iv]

1. Cf. Finley, who speaks of 'dependent (or involuntary) labour', an expression he uses to include 'everyone who worked for another not because of membership in the latter's family, as in a peasant household, and not because he had entered a voluntary, contractual agreement (whether for wages, honoraria or fees), but because he was bound to do so by some precondition, birth into a class of dependents or debt or capture or any other situation which, by law or custom, automatically removed some measure of his freedom of choice and action, usually for a long term or for life' (*AE* 69).

2. See Arist., *Ath. Pol.* 2.2, 6.1, 9.1; Plut., *Sol.* 15.2, and other texts; and cf. V.1 above. I cannot accept Finley's interpretation, in SD 168-71, of the Solonian debt-situation, of which I hope to publish an examination shortly. (The article by A. Andrewes and himself, which Finley promises in SD 169 n.39, has not yet appeared.)
3. For all these 'unfree' peoples, see the Index to Lotze, *MED*, s.vv. For the Spartan Helots and Thessalian Penestai, see the main text of this section under the heading 'II. Serfdom', and nn. 18-19 (Helots) and 20 (Penestai) below. For the Klurotai and Mnoitai of Crete, see Lotze, *MED* 4-25, 79; for the Mariandynoi of Heraclea Pontica, id. 56-7, 74-5, 79; Magic, *RRAM* II.1192 n.24; Vidal-Naquet, *RHGE* 37-8; also nn.35 and 52 below; and for the Killyrioi, cf. Danabain, *JWG* 111, 414. For the Bithynians in the territory of Byzantium, see the main text of this section and n.17 below. For some interesting provisions forbidding the sale of certain serfs, see the same text and nn.35-6 below.
4. On the condition of the 'Penestai' of Etruria, see esp. W. V. Harris, *REU* 114-29 (esp. 121-2), cf. 31-40, 142. For a more recent account of social and economic developments in Etruria, with ample bibliography, see M. Torelli, 'Pour une histoire de l'esclavage en Etrurie', in *Actes du Colloque 1973 sur l'esclavage = Annales littéraires de l'Univ. de Besançon* 182 (Paris, 1975) 99-113. And see Arnold Toynbee, *Hannibal's Legacy* (1965) II.541-4. To illustrate the variety of terminology that we encounter more than once where serfs or serf-like peoples are concerned, it is perhaps worth mentioning that Diodorus, when dealing with the Etruscans in V.40 (perhaps utilising Poseidonius), can speak of *οἱ δουλοεισέτες ἄλλοι* (§ 1), of *τῶν διακονούντων ὁ κερταὶν ὁὐκ ἄλλως ἀρτίζουσι* who dress more elaborately *ἢ κατὰ δουλικὴν ὄψιν* (§ 3), and of *ἡριπάρους* who are evidently distinct from *οἱ κλειθέροι* (§ 4).
5. *Juv.*, *Sat.* XIV.143-51; cf. *P. Memn.* 92 (A.D. 324); Plut., *Mor.* 170a (= *De Superst.* 10); Seneca, *Epist.* XC.39. In his *Orat.* XI.VI.7 (dating perhaps from the early 80s), Dio Chrysostom thinks it worth while to boast that none of his neighbours can complain of having been evicted by him, *justly or unjustly*. Cicero charges M. Crassus in *Parat.* VI.46 with 'expulsiones vicinorum'. probably a common accusation. For a collection of passages illustrating the violence often offered to the poor and humble by the rich and powerful in the ancient world, see the first chapter of MacMullen, *RSR*, esp. 1-12 (with the notes, pp. 147 ff.). MacMullen speaks of 'the existence of extralegal kinds of power to a degree quite surprising' (ib. 7). And see VI.v above and its n.22 below.
6. The only example I have been able to find of an influential man exercising patronage at Athens in such a way as to interfere with the course of justice is the story of Alcibiades and Hegemon of Thasos, the parodist, in Athen. IX.407bc, from the very unentertaining fourth/third-century writer, Chamaeleon of Heraclea Pontica. (Thuc. VIII.48.6 is very relevant here.) Contrast, for the Roman world, my SVP, esp. 42-5.
7. Among many other works, see esp. Gunnar Landtman, *The Origin of the Inequality of the Social Classes* (1938) 227-86, esp. 228-9; and H. J. Nieboer, *Slavery as an Industrial System* (1900). In my opinion, W. L. Westermann insisted much too strongly on certain 'rights' which he believed ancient slaves possessed: see his *SSGRA*, and the bibliography of his own works, id. 172-3.
8. We have a certain amount of information, mainly in small scraps, about the slaves in the silver (and lead) mines of Laurion in Attica: see the comprehensive work of Siegfried Lauffer, *Die Bergwerksklaven von Laurion I and II = Abhandl. der Akad. der Wiss. u. der Lit. in Mainz, Geistes- u. sozialwiss. Klasse*, 1955 no. 12, pp. 1101-1217 = 1-117, and 1956 no. 11, pp. 883-1018 and 1\*-20\* = 119-274. (For the revolts there in 7135-3 and 7104-0 B.C. see id. II.912-14 = 148-50 and 991-1015 = 227-51.) The principal sources for the first revolt are Diod. XXXIV.2, 19 and Oros. V.9.5, and for the second revolt Poseid., *FGH* 87 F 35, ap. Athen. VI.272ef.) Lucet. VI.806-15 describes with sympathy the lot of the slaves in the gold mines of the Pangaeian area ('Scaptensolia', the Skaptē Hulé of Hdt. VI.46.3). A horrifying description of the lethal effects of mining, in this case in the quicksilver mines at Pimolisa near Pompeiopolis in Paphlagonia (west of the River Halys, in northern Asia Minor), is given by Strabo XII.iii.40, p.562. Diodorus has two particularly sympathetic accounts of the terrible conditions in the gold mines in Egypt (III.12.1 to 14.5) and the silver mines in Spain (V.35.1 to 38.3); see Benjamin Farrington, *Diodorus Siculus* (Inaugural Lecture at Swansea in 1936, published 1937) = *Hand and Hand in Ancient Greece* (1947) 69-70; also J. G. Davies, in *JHS* 75 (1955) 153, who produces arguments for the validity of Diodorus' picture, including some parallel passages in the *Letters* of St. Cyprian. The source of the first of these two passages in Diodorus (on the Egyptian gold mines) is Agatharchides of Cnidus, who wrote a work *On the Erythraean Sea* in the late second century B.C.; for the text of the excerpt made (independently

- of Diodorus' version) by Photius, see *Geogr. Graeci Minores*, ed. C. Müller, I (Paris, 1855) 123-9, fr. 23-9. On Agatharchides, see Fraser, *PA* I. 173-4, 539-50 (esp. 543). According to Strabo III.ii.10, pp. 147-8, Polybius wrote of the silver mines near Nova Carthago in Spain that 40,000 men were employed there and that the Roman State received a revenue of 25,000 drachmae (over 4 talents) per day. According to Pliny, *NH* XXXIII.97, the Spanish silver mines in Hannibal's time (the late 3rd century B.C.) had produced 300 lb. silver per day.
9. Among the literary passages referring to the *χρυσί οὐκείροι* are Andoc. I.38; Aeschin. I.97; Theophr., *Char.* XXX.15; Menand., *Epitrep.* 378-80 ed. F. H. Sandbach = 202-4 ed. A. Koerte (all referring to the *ἀποδοὶ* paid to the masters); and presumably Ps.-Xen., *Ath. pol.* I.11 (where the masters become 'slaves to their slaves'); cf. Teles fr. IVb (pp.46-7, ed. O. Henke, 1909), ap. Stob., *Anthol.* V. p.786 (ed. Henke, 1912). In Ps.-Dem. XI.VII.72 the slave who *χρυσί δουκ* is a freedwoman; Dem. IV.36 must refer mainly if not entirely to freedmen; and Anecd. Gr. I.316.11-13 (ed. I. Bekker) defines *χρυσί οὐκείροι* as freedmen or slaves. Lampis, mentioned again and again in Ps.-Dem. XXXIV, is described both as a 'shipowner' (*ναύκαρπος*, § 6) and as a 'slave' of Dion (*δούλος* in § 5; § 10 puts him among the *παῖδες* of Dion); if a slave, he might be considered a *χρυσί οὐκείρ*, but I think he was much more probably a freedman, as believed by Sandys (see his note in F. A. Paley and J. E. Sandys, *Select Private Orations of Demosthenes* I [1898] 5n.). From the *χρυσί οὐκείροι* we must in principle distinguish slaves hired out to others (and referred to by some such expression as *ἀνδράποδοι καὶ δουλοποιήματα*), as in Ps.-Xen., *Ath. pol.* I.17; Xen., *De vert.* IV.14-15, 19, 23; Isae. VIII.35; Ps.-Dem. LIII.20-1; Dem. XXVII.20-1, with XXVIII.12; Theophr., *Char.* XXX.17; Anecd. Gr. I.212.12-13 (ed. Bekker); cf. Plaut., *Ast.* 441-3. I know of no completely satisfactory treatment of this subject. See most recently Elena Perotti, 'Esclaves *χρυσί οὐκείροι*', in *Actes du Colloque 1972 sur l'esclavage* (Centre de Recherches d'histoire ancienne, Vol. 11) = *Annales littéraires de l'Université de Besançon* 163 (Paris, 1974) 47-56; and 'Contribution à l'étude d'une autre catégorie d'esclaves attiques: les *ἀνδράποδοι καὶ δουλοποιήματα*', in *Actes* . . . 1973 ( . . . Vol. 18) = *Annales* . . . 182 (Paris, 1976) 179-91, cf. 192-4. See also, for Graeco-Roman Egypt, I. Biezunska-Mafowist, 'Les esclaves payant l'*ἀποδοὶ* dans l'Égypte gréco-romaine', in *JEP* 15 (1965) 65-72; 'Quelques formes non typiques de l'esclavage dans le monde ancien', in *Antichae Obshchestvo* [= *Ancient Society*] (Moscow, 1967) 91-6, the latter with a reference (92 and n.1) to an evidently useful article in Russian (which I do not read) by Emily Grace Kazakevitch, in *VDI* (1960 no.3) 23-42.
  10. Among several passages recommending the care of sick slaves, see e.g. Xen., *Mem.* II.iv.3; x.2; *Oecon.* VII.37. Caro's heartless advice is in his *De Agr.* II.4.7.
  11. Varro, *RR* I.xvii.2-3; cf. Plut., *Crass.* 2.7, where Crassus is said to have taken great care of his slaves as living tools of his household economy - an echo of Arist., *EN* VIII.11, 1161<sup>b</sup>4 (cf. *Pol.* I.4, 1253<sup>b</sup>32). The Columella passages are *RR* I.vii.4 (lands with a severe climate or barren soil), 6-7 (distant estates).
  12. F. L. Olshsted, *Journey in the Seaboard Slave States* (1856, reissued 1904) II.192-3; *The Cotton Kingdom* (1861; ed. A. M. Schiesinger, 1953) 214-15.
  13. The imperial *dispendiaris* of the Principate, although always of slave (and not even freedman) status, are ranked by F. R. C. Weaver (the main authority on the *familia Caesaris*) as officials 'of intermediate grade' in the imperial bureaucracy; see his paper in *SAS* (ed. Finley), at 129-32; cf. his article, 'Vicarius and *vicarius* in the *Familia Caesaris*', in *JRS* 54 (1964) 117 ff., at 118-20; and his *Familia Caesaris* (1972) 201-6, 251-2 etc.
  - 13a. In an interesting and useful but very one-sided and sometimes inaccurate article which appeared when this book was in the press ('Rural Labour in three Roman provinces', in *Non-Slave Labour in the Greco-Roman World*, ed. Peter Garnsey = *Comh. Philol. Soc.*, Suppl. Vol. 6 [1980] 73-99, at 77) C. R. Whitaker has committed precisely this error: he can actually speak of slaves recorded in inscriptions in managerial posts as 'concerned with estate supervision, collection of revenue [or domestic service], irrelevant here [but not production]' (my italics) - as if 'production' took place only at the lowest levels of work! On the next page he can say, with some exaggeration (referring to Gsell, *ERAR*, mentioned a little earlier in the main text above), that 'Gsell's celebrated catalogue of rural slaves in Roman Africa can without violence be almost entirely reduced to supervisory and domestic staff'. This ignores, for example, the large slave-worked estate of Prudentilla near Oea in Tripolitania in the mid-second century, which we happen to know about only because of the existence of a unique literary text, the *Apology* of Apuleius. Whitaker does give the briefest possible reference to *Apol.* 93 in his n.27, but

without mentioning the large number of slaves (400 or more) or another passage in the same speech, § 87, showing that at least a large part of the estate was run with slave labour. There is nothing to suggest that this situation was exceptional, and there may have been an appreciable number of such slave-worked estates in north Africa, even if the bulk of the agricultural population was much as Whittaker describes it. It is a serious error of method always to press what little evidence we have in one direction, and to pretend that we can know slave labour was almost non-existent in areas for which the evidence is both deficient and largely epigraphic. And Whittaker's handling of the texts is sometimes misleading. He can say, for example, that in Diod. XIV.77.3 'the 200,000 Libyans who rebelled against Carthage in 396 B.C. were termed "slaves"', wrongly (78), cf. '200,000 slaves and others', on p.338 of his article in *Klio* 60, 1978). In fact Diodorus, far from speaking of 200,000 'slaves', says that Carthage's allies formed an army and then were joined by 'free men and slaves'; the slaves are not emphasised and receive no further mention. Whittaker clearly knows far more about Africa and Gaul than Asia. He would not have been so confident about the alleged 'overwhelming predominance of *laoi* on the land of the Hellenistic kingdoms' (77) if he had collected all the surviving references to *laoi*, which in fact are few, and limited as a rule to a specific locality, and do not often allow us to draw any conclusion about the condition of these people except that they are non-hellenised 'natives' without political rights. Whittaker is also mistaken in supposing that the terms *paroikoi* and *katoikountes* 'can generally be accepted as referring . . . to peasants in various forms of dependency' (77, my italics); for the meaning of *paroikoi*, equated in the Roman period with *incola* (which carried no suggestion of 'dependence'), see I.ii n.15 and II.v n.30 above, including a reference to Welles, *RCHP*, pp.353, 345. It is misleading to say that in the Ephesian inscription, SIG<sup>3</sup> 742, the *paroikoi* are 'ranked alongside temple servants and freedmen' (83), without also mentioning the *hoteleis* (a privileged category of non-citizens) whom they are equally 'ranked alongside' (in line 44). And Whittaker is again wrong in denying (against J. Strubbe, 'A group of Imperial estates in central Phrygia', in *Ant. Soc.* 6 [1975] 229-50, at 235) that Soa (the Soenoi) had become a *polis* by the time of IGR IV.605; that decree is by the *βουλὴ* as well as the *δημὸς*, a clear sign of a *polis*, unparalleled (as far as I know) for a mere village, in Asia Minor or Syria at any rate; cf. Jones, *CERP*<sup>2</sup> 69, 393 n.64, and, on the general question, IV.ii above and its n.36 below.

14. See Jones, *LRE* II.788-91, esp. 790 (with III.254 n.48). Jerome, *Comm. in Epist. ad Tit.* 1.7 (MPL XXVI.566), assumes that the contemporary *vilicus* will be a slave.
15. The bibliography on ancient slave revolts is very large. The best single treatment for English readers is Vogt, *ASIM* (in English translation) 39-92, with 213-14, giving sufficient references to other work. See also e.g. Toynbee, *HL* II.313-31. On the revolts in the Athenian silver mines in the second half of the second century B.C., see n.8 above; and for the war of Aristonicus in Asia Minor in 133-129 B.C., see Appendix IV above, § 3 *ad init.* and its n.8. I need waste no time on the 'revolt of Saumacus' in the Bosphoran area in the late second century B.C., as there is no reason to suppose that Saumacus was a slave. [In support of this view I can now cite Zeev Woligang Rubinsohn, 'Saumakos: ancient history, modern politics', in *Historia* 29 (1980) 50-70, an article which appeared after this book was finished. It includes an English translation of the Diophantus inscription from Chersonesus, SIG<sup>3</sup> 709 = *IOSPE* I<sup>2</sup>.352.]
16. For the identification of *originarii/originales* and *adscripticii/επαρόγραφοι*, see Jones, in *SAS* (ed. Finley) 298-9 ff. = *RE* 302-3 ff.; and *RE* 417. The law of c. 370, of Valentinian I and his co-emperors, is *CJ* XI.xlviii.7 *pr.*: 'Quemadmodum originarios absque terra, ita rusticos censitosque servos vendi omnifariam non licet'. (It must be dated between the creation of Gratian as Augustus in 367 and the death of Valentinian I in 375.) This measure was repealed (probably by Theodoric II in the 450s/460s, for Visigothic Gaul; see Jolowicz and Nicholas, *HISRL*<sup>2</sup> 468) by § 142 of the *Edictum Theoderici* (in *FIRA*<sup>2</sup> II.683-710) – which apparently also reversed a prohibition even more restrictive upon the master's right to deal with his slaves than the constitution just mentioned; see Marc Bloch, in *CEH* I<sup>2</sup>.252. In 327 Constantine had ordained that slaves entered in the census lists (*manipula adscripti censibus*) should be sold only inside the same province: *CTh* XI.iii.2, addressed to the Comes Macedoniae (could the law perhaps have been intended for the diocese of Macedonia only?). In *CTh* II.xxv.1 (perhaps 334) Constantine had protested against the unnecessary breaking up of slave families when estates of the imperial household in Sardinia had been recently divided among individual proprietors, and had forbidden such things for the future. (In the *CJ* version, III.xxxviii.11, references to *coloni adscripticii* and *inquilini* have been interpolated.) But although Constantine

here speaks in general terms of the undesirability of breaking up families, the actual terms of the law, even in its broader *CJ* form, would apply only to the division of estates. In 349 Constantius II, contemplating that in some (unspecified) circumstances serving soldiers might be given imperial permission to leave their households (*familiae*) with them, specifically limits this to their 'wives, children, and slaves bought with their *peculium castrense*', and excludes their 'slaves enrolled on the census lists' (*servos . . . adscriptos censibus*): *CTh* VII.i.3 = *CJ* XII.xxxv.10.

17. Cf. Polyb. IV.ii.7, where the *laoi* handed back to the Byzantines by Prusias I are no doubt the Bithynian *serfs*. See Walbank, *HCP* I.507.
18. Thuc. I.101.2. (Cf. II.v above, at p.93.) Thucydides says that most of the Helots were Messenians, and this was why they all came to be called 'Messenians'. He does speak twice of 'Messenians and Helots' (V.35.6; 56.2), and once of 'Messenians and the other Helots' (35.7) – who are joined with 'deserters from Laconia' (perhaps some Perioikoi as well as Laconian Helots), but in 56.3 are simply 'the Helots from Croni'. But he refers more than twenty times to all those who went to Naupactus as 'Messenians', and that was what those settled at Naupactus called themselves (M/L 74.1). Doubtless those who survived in the revolt of 465/4 ff. were mainly Messenians. Diod. XI.63-64, 84.7-8 is very unreliable (note esp. the exaggerations in 63.1.4). Although the earthquake occurred in Laconia, indeed at Sparta itself, and one might therefore expect the Laconian Helots to seize their opportunity and revolt first (as indeed some of them must have done), Diodorus gives the main role to the Messenians (64.1.2), and it is only at a late stage that he writes of 'the [Laconian] Helots' as revolting 'all together' (*συνθημαί*, which must be an exaggeration) and joining 'the Messenians' (64.4). Again, in 84.7-8 it is only the Messenians who are allowed to go from Ithome to Naupactus; the Spartans, says Diodorus, punished (with death, obviously) those of 'the Helots' who had been the authors of the revolt, and 'enslaved' the rest – perhaps a misunderstanding by Ephorus (almost certainly the source of Diodorus here) of the language of Thucydides, who calls all those settled at Naupactus 'Messenians' (see above).
19. Arrian, *Ind.* 10.9 (written in the mid-second century), speaks of the Spartan Helots as if they still existed in his day; but this need cause us no worry, for Arrian is simply transcribing here his source, Megasthenes, who wrote around 300 B.C. (P. A. Brunt, whose knowledge of Arrian is unsurpassed, and who is preparing a new edition of the second volume of Arrian for the Loeb series, tells me that he regards such carelessness as characteristic of Arrian.) Perhaps some of the Helots who remained after Nabis's time obtained their freedom and others became outright slaves. For a sufficient refutation of theories advanced by Chrimes and Robins, see B. Shimron, 'Nabis of Sparta and the Helots', in *CP* 61 (1966) 1-7.
20. Among the most interesting texts on the Penestai of Thessaly are Dem. XXIII.199, with XIII.23 (Menon the Thessalian brings 200 or 300 of his Penestai to Athens, to serve under him as cavalrymen); Archemachus, *FGH* 424 F 1, *ap.* Athen. VI.264ab; Xen., *HC* VI.i.11; Theopomp., *FGH* 115 F 81, *ap.* Athen. VI.259f-60a. I know of no further reference to the Penestai in a credible historical context after the fourth century B.C. See also Lotze, *MED* 48-53, 79. For the fact that the Penestai could not be sold off the land, see n.35 below.
21. See Eleanor Searle, *Lordship and Community: Battle Abbey and its Banlieu, 1066-1538* (Toronto, 1974) 167, 174-5, 183, 194, 267-337 (esp. 268-9, 272-80).
22. For some examples of such gifts by Persian kings and even satraps, see my *OPW* 38-40. We must not add the gift by Pharnabazus to Alcibiades, alleged by Nepos, *Alcib.* 9.3, a crude error by Nepos or his source; see Hatzfeld, *Alc.*<sup>2</sup> 342 n.3.
23. For the unfair treatment of Ahab which we must expect from the authors of Kings, see my 'Herodotus', in *Greece and Rome*<sup>2</sup> 24 (1977) 130-48, at 132-3 and n.3. In their present form, of course, Kings I and II are appreciably later than the reign of Ahab (c. 850); but I regard the picture of Israelite land tenure in the Naboth story as very likely to be historical.
24. I need cite only Tod, *SCGH* II.185, esp. line 11, where Alexander claims the *χώρα* as his – with the important consequence that it remained liable to *δοῦλαι*, as the next sentence shows. One can see such a claim foreshadowed in Xenophon's *Hellenica*, where the property of the under-satrap Maria (III.1.12) is treated as the property of her master Pharnabazus, and is consequently regarded as having passed to the conquerors of Pharnabazus (§ 26). Of course even a satrap, in Greek eyes, was but a 'slave' of the Great King (see Xen., *HC* IV.i.36: *δμοδούλους*); cf. the alleged letter of Darius I, M/L 12, addressed to *Γαδάται* | *δούλοι* (lines 3-4), where the king speaks of *τῶν ἐμῶν* . . . *τῶν*. Fourth-century Greeks and Macedonians did not distinguish as clearly as we do between sovereignty and ownership, and I am not clear what the position

- really was in Achaemenid Persia.
25. The year is described as 'the 59th year' (of the Seleucid era): that is, 254/3 B.C. See Welles, *RCHP*, pp. 95-6 (commentary on no. 18.8-10).
  26. I am thinking particularly of recent articles by Pierre Briant, esp. *RLER* = 'Remarques sur les "Laos" et esclaves ruraux en Asie Mineure hellénistique', in *Actes du Colloque 1971 sur l'esclavage* = *Annales littéraires de l'Université de Besançon* 160 (Paris, 1972) 93-133, at 103-5. Briant believes it is 'certain' that the *laos* of the Laodice inscription (Welles, *RCHP* 18.8, 12, 26) were not sold with the land: he thinks Laodice received only the revenues of the land! This mistake seems to be founded on two misconceptions. First, Briant places great emphasis on the fact, pointed out by Bickerman (which I also accept), that the peasants are bound to their village rather than to individual plots: they are *adscripti vice* rather than *adscripti glebae*. (So were some Later Roman peasants: see IV.iii §§ 20-1 above.) But unless we are to pretend, gratuitously, that the Greek does not mean what it says, we must admit that the village itself was certainly conveyed to Laodice; and this gives no ground for denying that its peasants also passed to the ex-queen, as our document indeed specifically says. Secondly, Briant has apparently misunderstood lines 7-13 of the inscription (which are correctly translated by Welles). I fancy that he may have been misled by the reference in lines 9-10 to 'the revenues of the 59th [Seleucid] year' (cf. n. 25 above), and may have failed to realise that this point is specified merely to make it clear exactly at what time Laodice is to take over the revenues—here *RCHP* 70.9 is relevant.
  27. Now republished as *C. Ori. Pal.* 21.2. This document has been discussed again and again since its original publication over 40 years ago by H. Liebsch, 'Ein Erlass des Königs Ptolemaios II Philadelphos über die Deklaration von Vieh u. Sklaven in Syrien u. Phönicien', in *Aeg.* 16 (1936) 257-91. It will be sufficient to cite Rostovtzeff, *SEHWW* 1.340-6 (with III.1400 n. 135), and the latest treatment, which is exceptionally clear and sensible, by Biezuńska-Małowist, *EEGR* 1 (1974) 20 ff., esp. 24-5, 29-31.
  28. Biezuńska-Małowist, *EEGR* 1.25; Rostovtzeff, *SEHWW* 1.342-3.
  29. See Pippidi, *PMOA*, in *PTGA* (ed. M. I. Finley), at 75-6. He refers to 'paysans dependants' and compares them with the Cretan *καρδοίται* or *καρδοίταις*.
  30. For other evidence, not otherwise discussed here, which may indicate the presence of native serfs, see e.g. Athen. XV.697d, where Attalus I of Pergamon appoints a *δικαστής* . . . βασιλικῶν τῶν περὶ τὴν Αἰολίδα (unless we should read *δοικαστής βασιλικός*, with Atkinson, *SGCWAM* 39 n. 32); Plut., *Eurip.* 8.9 (σώματα in the territory of Celasene, c. 321 B.C.); *SIG*<sup>3</sup> 282. 14-15 and Welles, *RCHP* 8 B.3 ff. (Pedieis at Priene); *OGIS* 215 and 351 (= *Inscr. von Priene* 18 and 39; σώματα); *SIG*<sup>3</sup> 279.4-5 and Michel, *RIG* 331.27 = *SGDI* III.ii.5533 e.6 (Zelea); Strabo XII.ii.9, p. 539 (the kings of Cappadocia had possessed σώματα in the area of Mazaca); Agatharch. *Geogr.* *FGH* 85 F 17, ap. Athen. VI.272d, is mentioned in the text above. A non-technical term which it is generally safest to translate 'dependants' (its Latin equivalent is *clientes*) is *παλάτι*; see e.g. *CIRB* 976 = *IOSPE* II.353, line 5 (an inscription of Rhometales, A.D. 151, from the 'Bosporan kingdom'); Plut., *Craes.* 21.7 (Partians); cf. the *προσπελάται* of the Illyrian 'Ardiaei', who were strictly serfs and could be compared by Theopompus with the Spartan Helots (see the main text above, just after the reference to n. 17).
  31. The inscription of Mnesimachus was first published by W. H. Buckler and D. M. Robinson, in *AJA* 16 (1912) 11-82, and later in their edition of the inscriptions of Sardis, *Sardis* VII.1 (Leiden, 1932), no. 1. It has recently been republished with an English translation and reinterpretation by K. M. T. Atkinson, 'A Hellenistic land conveyance: the estate of Mnesimachus in the plain of Sardis', in *Historia* 21 (1972) 45-74, whose analysis in general I accept. (The relevant lines are I.11, 14-15, 16; II.5.) Her most important conclusion (which is certainly correct) is that the original transaction was what English lawyers would call a 'conveyance' and not a 'mortgage'. See also the earlier article by the same author, *SGCWAM*, esp. (on the estate of Mnesimachus) 37, 40. I also agree with her that Mnesimachus could not have owned the property in freehold: his tenure is quite different from that given to e.g. Laodice and Aristodicides (Welles, *RCHP* 18-20 and 10-13). I must say, I am not happy about treating the *οἰκῆται* here as slaves, since the word *καρδοίταις*, applied to them in I.16, is not in my experience used for slaves.
  32. The best brief general description I know is that of Rostovtzeff, *SEHWW* 1.277 ff. (esp. 277-80); II.1196-1200, etc. I have also found very instructive the thorough monograph by Iza Biezuńska-Małowist, *EEGR* 1, on the Ptolemaic period; I did not see Vol. II, on the Roman period, until this section was finished. Much interest has been shown in this subject in recent years by Soviet scholars, but as I do not read Russian I was not able to examine any of the

works I am now going to mention until this part of my book was virtually finished. The main works that have come to my knowledge are as follows:

- (1) The 36-page monograph in Russian by N. N. Pikus (Pikous), the French title of which would be *Agriculteurs royaux [producteurs immédiats] et artisans dans l'Égypte du 3<sup>e</sup> siècle av. n. è.* (Moscow, 1969), with the review by Heinz Heinen in *CE* 45 (1970) 186-8.
- (2) The contribution by Pikus to the *Actes du X<sup>e</sup> Congrès internat. de Papyrologues* (Warsaw/Cracow, 1961), ed. J. Wolski (Warsaw etc., 1964) 97-107, entitled 'L'esclavage dans l'Égypte hellénistique'.
- (3) A book in Russian of 244 pp. by K. K. Zelyin (and M. K. Trofimova), the French title of which would be *Les formes de dépendance dans la Méditerranée orientale à l'époque hellénistique* (Moscow, 1969). This consists of three separate studies, of which the first, by Zelyin, 'Les formes de dépendance à l'époque hellénistique' (pp. 11-119), sounds particularly interesting, in the review by L. F. Fiklman, in *CE* 45 (1970) 182-6, at 183-4.
- (4) Zelyin's article in *VDI* (1967 no. 2) 7-31, in Russian with an English summary, the English title of which is 'Principles of morphological classification of forms of dependence'.
- (5) A book originally published in Russian by T. V. Blavatskaia, E. S. Goshitsova and A. I. Pavlovskaja (Moscow, 1969), and subsequently translated into German, as *Die Sklaven in hellenistischer Ägypten* in 3-1. *Jb. v. Chr.* (Wiesbaden, 1972), the original third part of which, by Pavlovskaja, was reviewed by Iza Biezuńska-Małowist in French in *CE* 46 (1971) 206-9.
- (6) An article by Pavlovskaja in *VDI* (1976 no. 2) 73-84, in Russian with an English summary, the English title of which is 'Slaves in agriculture in Ptolemaic Egypt'.

In my opinion too much emphasis may have been placed by some scholars on the fact that the known leases (from very limited areas) in the early Ptolemaic period especially, appear to be 'free contracts'. The peasants were strictly controlled in many of their agricultural activities (see e.g. Rostovtzeff, *SEHWW* 1.279-80, 317, 320). Those engaged in the production of vegetable oils were supervised and regulated to an extraordinary degree: see *Id.* 302-5, based mainly on *P. Ros. Laur.*, partly re-edited in *W. Chr.* 258 (cols. 1-22), 249 (36-7), 299 (38-58), 181 (73-8); and in Hunt and Edgar, *SP* II.10-35, no. 203 (cols. 38-56). I regard the question of the role played by slaves in Egyptian economic life as still partly an open one. As regards the use of slaves in agriculture in the Ptolemaic period, I agree with the opinion recently expressed by Biezuńska-Małowist (concurring with Claire Préaux) that 'le problème ne peut être définitivement résolu dans l'état actuel des sources' (*EEGR* 1.59). Although she can say later in the same work that it seems justifiable to conclude that slavery 'n'avait que fort peu d'importance comme forme de travail dans les domaines fondamentaux de la production' (*Id.* 139, cf. 82), she can nevertheless also affirm, 'au moins en regard aux villes grecques, que l'esclavage du type classique avait une assez grande importance, et que le nombre des esclaves devait dépasser les chiffres modestes que l'on admet parfois dans la littérature du sujet' (*Id.* 145). Even for the Egyptian *χώρα* she has well demonstrated that slave ownership in Ptolemaic Egypt was by no means confined to the rich but went a good way down the social scale: it became 'très répandue dans les maisons des gens pauvres' (*ENMM* 159, cf. 158 and esp. the first paragraph on 161, on 'le rôle des esclaves dans les modestes maisons égyptiennes'). See also on this topic her *EEGR* 1.134-6, 138-9, and two articles (already cited in n. 9 above): 'Les esclaves payant l'*ἀποστροφή* dans l'Égypte gréco-romaine', in *JJP* 15 (1965), at 70-2; and 'Quelques formes non typiques de l'esclavage dans le monde ancien', in *Antichism Obshchestvo* [= *Ancient Society*] (Moscow, 1967), at 92-4, 96. If even those of middling wealth used slaves, surely the really rich would be even more likely to do so. If the propertied class as a whole made no great use of slave labour in Egypt, except for domestic purposes and in workshops in the few cities (see esp. *Bell. Alexand.* 2.2), then I would suppose that the condition of the free poor (peasants, artisans, hired labourers and others) was so abject as to make legal enslavement superfluous. I suspect, however, that unfree labour may have played a greater part in providing the propertied classes with their surplus than most Egyptologists have been interested in revealing, concerned mainly as they have been with such matters as the share of slaves in economic life in general, rather than their role in providing a fairly small class of property-owners with a surplus. In particular, forms of debt bondage, including the more burdensome varieties of *panimōnē* (see n. 73 below), may have been more important than is generally allowed. And even chattel slavery may bulk larger than in many modern accounts if we see it in the way I am advocating, as a means of providing the propertied classes with their surplus, and if we are therefore not dismayed by the fact that the ordinary free Egyptian owned no slaves, any more than the ordinary poor man in

- the rest of the Greek and Roman world – who possessed at most one or two slaves who normally worked beside him, like (for example) the poor Athenian (see Xen., *Mem.* II.iii.3). It may well be, however, that the pressures, economic and non-economic, to which the humble free Egyptian was subjected, and the fact that it seems to have been cheaper to maintain life there than anywhere else in the Graeco-Roman world (see Diod. Sic. I.80.5-6), were so effective that a greater surplus could be extracted from the free population in Egypt than in the rest of the Mediterranean world, and there was consequently the less need to bring in slaves.
33. Its significance is hardly appreciated to the full even by the two Marxist scholars who have most recently produced interesting disquisitions of Hellenistic land tenure in the East: Heinz Kreissig and Pierre Briant. For their main works in this field, see esp. Briant, *RLER* (in French) and *DDAHA* (in German), and Kreissig, *LPHO* (in English); the notes to these articles cite all other material of importance, except the works of A. H. M. Jones, which are strangely ignored. As I may not have occasion to refer to it elsewhere, I will mention here a useful recent article by a Soviet scholar, I. S. Sventitskaya, 'Some problems of agrarian relations in the province of Asia', in *Eirene* 13 (1977) 27-54, which of course deals with the Roman period. This cites much epigraphic evidence and deals very sensibly with the problems on which it concentrates. Two earlier articles by the same author in Russian are known to me only through their English summaries. 'The condition of the *ἀσπὴν* in the Seleucid kingdom', in *VDI* (1971 no. 1) 16, and 'The condition of agricultural workers on the imperial domains in the province of Asia', in *VDI* (1973 no. 3) 55, where the author's name appears in the anglicised form 'Sventitskaya' in both cases. [Only when this book was in the press did I become aware of the book by Kreissig, *Wirtschaft und Gesellschaft im Seleukidenreich: Die Eigentums- und die Abhängigkeitsverhältnisse* (Berlin, 1978), which has a useful list of Kreissig's relevant articles and monographs to 1975 on p. 129; add the article in *Klio* 1977 mentioned in the next note.]
34. Those unacquainted with the subject of *τεροδοκία* could well begin with the good little article by F. R. Walton, 'Hierodouloi', in *OCD* 314. See also Pierre Dehord, 'L'Esclavage sacré: État de la question', in *Actes du Colloque 1971 sur l'Esclavage = Annales lit. de l'Univ. de Besançon* 140, Paris, (1972) 135-50, with extensive bibliography; Hepding, 'Hierodouloi', in *RE* VIII.ii (1913) 1459-68; Bömer, *URSGR* II.149-89; III.457-70 (= 215-28). For the hierodoules of Asia Minor, see Broughton, in *ESAR* (ed. Frank) IV.636, 641-5, 684. For Asia Minor and Syria, see H. Kreissig, 'Tempelland, Katoiken, Hierodoulen im Seleukidenreich', in *Klio* 59 (1977) 375-80. For Egypt, see esp. Rostovtzeff, *SEHWW* I.286-4 (with III.1383-4 n. 90), 321-3; and W. Otto, *Beiträge zur Hierodolie im hellenistischen Ägypten (= Abhandl., Bayer. Akad. d. Wiss., Philos.-hist. Klasse, Munich, v. F. 29, 1950)*. [Only after this chapter was in proof did I see the article by K.-W. Welwei, 'Abhängige Landbevölkerungen auf Tempelterritorien im hellenistischen Kleinasien und Syrien', in *Ant. Soc.* 10 (1979) 97-118.]
35. For the Helots of Sparta, see Ephorus, *FGH* 70 F 117, *ap.* Strab. VIII.v.4, p.365; Myron of Priene, *FGH* 106 F 2, *ap.* Athen. XIV.657cd; Plat., *Int. Lac.* 41 = *Mor.* 239e (where *ἐπάρατον* should be compared with *ἐν τῷ ἡνερ ἐπαρῶν* in Hdt. VI.56; cf. my *OPW* 149-50). For the Penestae of Thessaly, see Archemachus of Euboea, *FGH* 424 F 1, *ap.* Athen. VI.264ab. For the Mariandynoi of Heraclea Pontica, see Poseidonios, *FGH* 87 F 8, *ap.* Athen. VI.263d; Strabo XII.iii.4, p.542.
36. For the best and most complete text of all the relevant inscriptions from Commagene, see Helmut Waldmann, *Die commagenischen Kultreformen unter König Mithradates I. Kallinikos und seinem Sohn Antiochos I. = Études Préliminaires aux Religions Orientales dans l'Empire Romain* 34 (Leiden, 1973), where the following pages are relevant: (1) pp.39-79 (*IGLS* I.1 = *OGIS* I.383 = Laum. *Stift.* II.148-53 = Michel, *RIG* 735), esp. 68 (lines 171-86); (2) pp.123-41 (*IGLS* I.47), esp. 125 (lines 30-2) and 127 (lines 89-101); (3) pp.33-42 (*IGLS* I.51), esp. 34 (lines 10-24); (4) pp.80-122, esp. 84 (lines 66-9) and 87 (lines 151-63).
37. The two best examples of the form of *τεροδοκία* in which I am interested, apart from the six mentioned in the main text above (and in the preceding note), are (1) the *καμώποκς* of Ameria, in the territory of Cabeira in Pontus (Strabo XII.iii.31, p.557); and (2) Albania = Azerbaijan (Strabo XI.iv.7, p.503).
38. E.g. (1) Pessinus in Galatia (Strabo XII.v.3, p.567); (2) Aezani in Phrygia (*IGRR* IV.571 = *OGIS* II.502 and *AE* [1980]44); (3) the temple of Zeus Aberrhenus in Mysia (Strabo XII.viii.9, p.574); (4) the temple of Zeus of Olbia in Cilicia (XIV.v.10, p.672); (5) the temple of Anaitis in Acistene, and elsewhere in Armenia (XI.xiv.16, p.532); and (6) the temple of Zeus (Baal) of Bactocace in Northern Phoenicia, the subject of a set of documents (known for over 200

- years) inscribed on the north gate of its *peribolos*, the publication of which as *IGLS* VII (1970) 4028 (with a good commentary) has superseded all others (e.g. A/J 147; *OGIS* 262; *IGRR* III.1020; Welles, *RCHP* 70). The Seleucid grant 'for all time' of the *καμώπη* ἢ *Βαυτοκαί(κη)νή* to the god, *σὺν τοῖς συνκύρουσι καὶ καθήκουσι πασι*, must have included its peasantry. The village seems to have been in the territory of Aradus rather than Apamea: see H. Seyrig, 'Antiquités syriennes 48. Aradus et Bactocace', in *Syria* 28 (1951) 191-206. I agree with Kreissig, *LPHO* 20, that the grant gave the temple full ownership of the land. Further bibliography on the subject of temple lands in Asia can be found in Magic, *RRAM* II.1016-21, nn.62-6.
39. Examples are (1) the temple of the Mothers at Engyum in Sicily (Diod. IV.80.4-5; cf. 79.6-7); and (2) the temple of Aphrodite at Eryx in Sicily: Strabo mentions only the large number of sacred prostitutes in earlier times (*τερόν* . . . *τεροδοῦκων γυναικῶν πλήρες τὸ παλαιόν*, VI.ii.6, p.272); but in the 70s B.C. there were 'permulti Venerii' there (Cic., *Pro Cluent.* 43, and see Scramuzza, *WVSS*, and in Frank, *ESAR* III.317-18). See also n.34 above for bibliography on the subject of *τεροδοκία*.
40. For Comana Pontica, see Strabo XII.iii.36, p.559; for Corinth, VIII.vi.20, p.378 ('more than a thousand *τεροδοῦκοι* *ἐταῖροι*'), cf. XII.iii.36, p.559; for Eryx, see the previous note. The girls in Hdt. I.93.4; 94.1; 199, and Strabo XI.xiv.16, p.532, are in a different category: their status was temporary.
41. See e.g. Kreissig, *LPHO*, esp. 6, 26 ('Oriental'); Briant, *RLER*, esp. 118 ('Asiatic'), and *DDAHA*; with the many works by themselves and others cited in their three articles. Briant's emphasis is different from Kreissig's: he concentrates on the peasant village, and he refuses to use the term 'serf', evidently under the mistaken impression that serfdom involves 'feudalism' and a 'feudal mode of production' (see esp. *RLER* 105-7, 118); he therefore prefers to use a vague term such as 'dépendants' (ibid. 106).
42. For the Pedieis of Priene, see *SIG* 282 (= *IP* 3).14-15; Welles, *RCHP* 8 (= *IP* 16).B.2,3; *OGIS* 11 (= *IP* 14).5-6. Rostovtzeff seems to me over-confident in *SEHWW* I.178-9, with III.1355 n.44 (where the reference to Rostovtzeff, *SGRK* I 'Kallinikos' should presumably be to p.260). Cf. n.46 below. The *ἀνδράποδα* of whom Pythius the Lydian of Celaenae boasted to Xerxes in 480 may well have been serfs (Hdt. VII.28.3; cf. Plat., *Eum.* 8.9, quoted in n.30 above).
- 42a. Particularly instructive here is a text discussed in Appendix II above: Xen., *Anab.* VII.viii.8-19, esp. 12, 16, 19. This shows a wealthy Persian, Asiatates, as early as 400 B.C., employing on his fine estate on the plain near Pergamum a large number of slaves, of whom, after some had escaped (§ 12), Xenophon captured some 200 (§ 19). 'Barbarian' grandees were often only too ready to adopt Greek practices.
43. For both these processes, see above all Jones, *GCAJ* and *CERP*²; and V. Tscherikower [elsewhere usually Tcherikover], *Die hellenistischen Städtegründungen von Alexander dem Grossen bis auf der Römerzeit = Philologus, Suppl.* XIX.1 (1927).
44. These two examples are of transfers to Aristotides (*RCHP* 10-13 = *OGIS* 221) and to Laodice (*RCHP* 18-20 = *OGIS* 225+). The best discussion of these transactions is by Atkinson, *SGCWAM*. I accept the view of Kreissig, *LPHO* 19-20 (cf. 18-19), that the Hellenistic kings were prepared to make absolute hereditary grants of land in Asia, in what we call freehold, not only (a) to cities (see the two examples given in the main text above, immediately after the reference to this note), (b) to temples (see n.6 in n.38 above), and (c) to individuals, accompanied by the right to join the land to the territory of a recognised city (as in the two examples given at the beginning of this note), but also (d) to individuals, without any such accompanying right: see (1) the inscription from near Scythopolis in Palestine, published by Y. H. Landau, 'A Greek inscr. found near Herabab', in *IEJ* 16 (1966) 54-70, lines 22-3 (§ IVa), which has been re-edited, with bibliography, by T. Fischer, in *ZPE* 33 (1979) 131-8 (§ F); and (2) Welles, *RCHP* 51, lines 20-1; cf. *SIG* 332 (esp. lines 9-15, 18-23) and *SEG* XX.411 (esp. line 33). I cannot follow Kreissig (*LPHO* 17, 20), however, in including *IGRR* III.422, as it is of Roman date. Nevertheless, perhaps these grants, of any type (d), although 'hereditary' in the sense that they did not revert automatically to the king on the death of the holder, like cleruchic land, might still be revoked if the holder were held guilty by the king of some offence – as they would not be (or would be much less likely to be) if in the category of type (c) above; hence one of the advantages of that type of grant.
45. See Rostovtzeff, *SEHWW* I.509 (with III.1441 n.285 and the references there given, esp. Rostovtzeff, *SGRK* 261-3), and in *CAH* VII.182-3; Welles, *RCHP* pp.96-7; Tam, *HC* 134-8.
46. Welles (*RCHP* p.53) states the 'accepted interpretation' of *RCHP* 8 as being that the king

- concerned 'had permitted such of the Pedieis as applied within 30 days to become *παρόικοι* ... of Priene, for them an advantage in that as *παρόικοι* *λαοί* they were little better than serfs, while through connection with a Greek city they acquired a good deal of freedom'. Kreissig accepts this, merely emphasising that those who did not apply 'remained *λαοί*'. Both possibilities existed' (LPHO 24). Against this, I would point out not only that there is no reference in the inscription to *λαοί* (cf. Atkinson, SGCWAM 38) but that we have to take *παρόικειν* in a sense, namely 'to become a *παρόικος*', which I have never observed elsewhere.
47. Atkinson, SGCWAM 38-9, is wrong in calling this document 'the Will of Attalus III'; but she has some useful things to say about this inscription and the general question I have been dealing with (ibid. 37-42, 53-7).
48. The clearest case, to my mind, is at Hasta in Spain, where an inscription of 189 B.C., ILS 15 = FIRA P.51, records a decision by L. Aemilius Paullus that 'qui Hastensium servi in turri Lascutana habitarent libere essent', and should continue to possess and hold, at the pleasure of the 'populus senatusque Romanus', their 'agrum oppidumque'. I think Haywood (TSCD 146-7) is probably right in emphasising that the possession of land by the so-called 'servi' (even though it did not amount to ownership) shows that they are more likely to have been serfs than slaves; and here I would compare the condition of the German 'servus quasi colonus' (if I may call him that), described by Tac., *German.* 25.1 (see IV.iii above, § 12). The use of the technical word 'servi' seems to me to show that the Lascutani were not being made 'liberi' merely in the sense that they were being 'taken from under the control of the Hastenses' (as A.J. p.250, note on its no.2). My second example is particularly interesting, as the 'sole instance of temple serfs in Italy' (Frank, *ESAR* 1.293-4); Cicero, *Pro Cluent.* 43-5, accuses Oppianicus of treating as 'free and Roman citizens' the Martiales of Larinum in Italy, whom he describes as 'ministri publici Martis' and 'in Martis familia' and compares to the Venerii of Eryx in Sicily (my third example, below), adding that Oppianicus' action caused great resentment among 'the decurions and all the citizens of Larinum', who brought an action against Oppianicus at Rome. We are not told who won the case, but it seems likely that it was Oppianicus, for it would have been in Cicero's interest to mention any condemnation of Oppianicus (see Haywood, TSCD 145-6). My third example is the Venerii of Sicilian Eryx, about whose status in Verres' time there seems to have been some dispute: see esp. Cic., *Div. in Caer.* 55-7, for the curious case of Agonis of Lilybaeum, described by Cicero as a 'liberta Veneris Erycinae' who had become 'copiosa plate et locupletis', and who had claimed under pressure that 'se et sua Veneris esse', with the result that she was reduced to slavery again by Verres' quaestor, Q. Caecilius Niger, but was apparently reinstated in freedom by Verres himself (see Scramuzza, WVSS, and in Frank, *ESAR* III.317-18).
49. See the indexes to these works and, in Newman, *PA*, esp. III.394; IV.304. Aristotle refers to *περίοικοι* in *Pol.* II.9, 1269<sup>b</sup>3; 10, 1271<sup>b</sup>30, 1272<sup>a</sup>1, 18; V.3, 1303<sup>b</sup>8 (cf. *Plut., Mor.* 245f); VII.6, 1327<sup>b</sup>11; 9, 1329<sup>a</sup>26; 10, 1330<sup>a</sup>29. There are some good remarks on Aristotle's use of the term *περίοικοι* in Finley, *SSAG* 176; and see Lörz, *MED* 8-9.
50. On the Spartan *περίοικοι*, see also my *OPW* 93, 331-2, 372. For general treatments, see Busolt-Swoboda, *GS* II 663-6; J. A. O. Larsen, s.v. *Periokoi*, in *RE* XIX.1 (1937) 816-33, at cols. 816-22; Pavel Oliva, *Sparta and her Social Problems* (Prague, 1971) 55-62.
51. See Larsen, op. cit. 822-4, 825-32. For Argos, see W. G. Forrest, 'Themistocles and Argos', in *CQ* 54 = n.s. 10 (1960) 221-41, at 221-9; Lörz, *MED* 53-4; K. W. Welwei, *Unfreie im antiken Kriegsheim, I. Athen und Sparta* (= *Forsch. zur ant. Sklaverei* 3, Wiesbaden, 1974) 182-92. For the *περίοικοι* of Cyrene (Hdt. IV.161.3), see Appendix IV, § 5. I have not yet been able to make full sense of the very complicated social and economic structure of Crete and will merely refer to Lörz, *MED*, esp. 4-25, 79.
52. See e.g. Arist., *Pol.* V.6, 1305<sup>b</sup>5, 11, 36. Plato also refers to the Mariandynoi in *Laws* VI.776cd, where they are compared with the Helots and Penestae.
53. German usage of these words varies somewhat. According to Busolt-Swoboda, *GS* II.670 n.4, 'Hörigkeit und Leibeigenschaft lassen sich zwar begrifflich nicht scharf unterscheiden, im allgemeinen versteht man aber unter Leibeigenschaft den höchsten Grad der Hörigkeit (my italics), der sich von der Sklaverei nur dadurch unterscheidet, dass der Leibeigene nicht einfach als Sache betrachtet, sondern sein Persönlichkeitscharakter bis zu einem gewissen Grade merkwürdig wird.' He had just ended his discussion of the Helots by designating them as 'Hörige', adding 'Im Umfange des allgemeinen Begriffes der Hörigkeit gehörten sie zu den Grundhörigen und zwar zu den leibeigenen Bauern, denn sie waren unter Schmälerung ihrer

- persönlichen Freiheit an die Scholle gebunden und den Grundherren zu bestimmten Abgaben, sowie zu persönlichen Dienstleistungen verpflichtet' (ibid. 670). The whole paragraph is excellent.
54. There is an unsatisfactory discussion of Menand., *Hero* 20-40 (and its *Hypoth.* 3-4), in A. W. Gomme and F. H. Sandbach, *Menander. A Commentary* (1973) 385, 390-2.
55. Gomme and Sandbach, op. cit. 390, are certainly wrong in taking Isocr. XIV (*Plat.*) 48 to refer to Plataeans at Athens as seeing their children enslaved for petty debts (etc.). The Plataean speakers are represented as having just arrived in Athens as suppliants (§ 1 etc.); they have not yet been received at Athens as in 427 (cf. § 51) and indeed are still 'wanderers and beggars' (§ 46), their families broken up (§ 49). This is so, whether the speech is to be taken as written for a particular occasion in 371 or as a later piece of rhetoric.
56. On the Marthaeon texts which I have referred to, and on other matters dealt with here, see the mainly admirable article by Dieter Nörr, 'Die Evangelien des Neuen Testaments u. die sogenannte hellenistische Rechtskunde', in *ZSS* 78 (1961) 92-141, at 135-8 ('Vollstreckung'), 140-1 ('Zusammenfassung'). Cf. 'Griechisches und orientalisches Recht im Neuen Test.', Nörr's contribution to the *Actes du X<sup>e</sup> Congrès internat. de Papyrologues* (Warsaw etc., 1964) 109-15.
57. See Biezuńska-Malowska, *EECR* 1.29-49 (a very clear analysis), 99-100; Préaux, *ERL* 312-17, 537-43, and cf. 308-12. In the interest of the royal administration, restrictions were placed upon 'personal execution' against e.g. the *βασιλικὸν γένος* and *τιμωρεῖς*: see *P. Tebt.* 5.221-30 (= *M. Chr.* 36).
58. For this statement and the one at the end of the previous sentence in the text above it should be sufficient to refer to Weiss, *CPD* 16 ff. (esp. 314-19); Nörr, op. cit. (para. 58 above) 137; and (for Egypt) Biezuńska-Malowska, loc. cit. (n.57 above). The last-named puts it very well: 'Il est certain que la politique de l'État tendait visiblement à restreindre et peut-être même à abolir l'esclavage définitif sanctionnant les débiteurs privés insolvables. Le PSI 549 [for which see id. 28-9, 47] paraît bien témoigner qu'à la fin de l'époque ptolémaïque l'inservissement des hommes libres était prohibé, l'esclavage temporaire [which I would call 'debt bondage'] restant vraisemblablement admis' (id. 48). For debt bondage in fifth-century Gortyna in Crete, see *Inst. Crat.* IV.72 = R. F. Willets, *The Law Code of Gortyna* (= *Kadmos*, Suppl. 1, Berlin, 1967) 39-40; Col. I.56 to II.2 (with Eng. trans.); and see Willets, *Aristocratic Society in Ancient Crete* (1955) 30, 54-6. I must also mention at this point Dio Chrys. XV.20, saying that *πατέρες πολλοὶ καὶ σφόδρα εὐνομούμενοι* fathers can sell their sons; debt is not mentioned, and Dio adds that the fathers can also put their sons to death. This presumably refers to Roman law; but on the sale of children see a later passage in the main text above and on 74-5 below.
59. Among many treatments of *πρόσων*, see the brief one in Jolowicz and Nicholas, *HISRL* 164-6 (cf. 189-90), which gives some bibliography and the text of Varro, *LL* VII.105.
60. Contrast Frederiksen, who thinks that 'by the Empire it is clear that real attempts were made to enforce in the provinces the Roman principle that bondage or imprisonment should not happen without a court order' (CCPD 129-30), and that the imperial government 'introduced for debt forms and procedures that were milder and more lenient than anything the provinces had known' (CCPD 141). I cannot see the explicit invocation (CCPD 130 n.14) of the authority of Mittels is justified: I need only cite on the Principate the paragraph in *Ruf* 450 ending 'Mann kann daher von der Anatime ausgehen, dass in den ersten Jahrhunderten der Kaiserzeit die Personalexecution im ganzen Reiche ein durchaus praktisches Institut gebildet hat'; it is even attested in Italy itself. Cf. also the 'Lex Rubria', *FIRA* P.174-5, no.19, xxi.19; xxii.46 (Roman law applied to Cisalpine Gaul in the 4th B.C.); 'Lex Usonensis', id. 179, no.21, lxi.1-3, 6 (Caesar's citizen colony, Colonia Genetiva Julia, 44 B.C.). Only in the later Empire, says Mittels (*Ruf* 451), do we find that 'die spätrömischen Kaiser die Personalexecution auf das bestmögliche perhorresciren', from A.D. 388 in fact (CTh IX.xi.1); and on the next page he contrasts 'der Rechtsstandpunkte' with 'die tatsächlichen Verhältnisse', showing subsequently that 'Personalexecution' remained alive until Justinian's time. Here it may be appropriate to cite Schulz, *CRL* 214: *ressio hominum* (for which see the next paragraph but two of the main text above and the next four notes below) 'was regarded as an exceptional privilege and not as the starting-point of a new development in the law of execution. Execution on the person still seemed not important to allow it to be restricted any further'.
61. For *honoraria venditio, cessio* and *distinctio*, see Buckland, *THRL* 402-3, 643-5, 672-3; Jolowicz and Nicholas, *HISRL* 217-18, 445; Crook, *LLR* 172-8. I should also like to recommend an

- ingenious and entertaining article on a subject ('decoctio') closely allied to *cessio bonorum*; J. A. Crook, 'A study in decoction', in *Latomus* 26 (1967) 363-76; cf. his *LLR* 176-7.
62. See Frederiksen, *CCPD* 137-41, who makes quite a good case for attributing the law to Caesar rather than Augustus.
63. On *cessio bonorum* as general von Woess, *PCBR*, is still unsurpassed (but see n.64 below): he gives references to the earlier works of Lucien Guénoun, *La cessio bonorum*, and M. Wlassak, in *RE* III.ii (1899) 1995-2000. The best summary account in English that I know is given in a single paragraph in de Zulueta, *Inst. of Gaius* II.136. A convenient work which utilises the papyrological evidence from Egypt in describing 'personal execution' and *cessio bonorum* is Chalon, *ETJA* 114-22, 187. See also n.61 above.
64. The account of *cessio bonorum* by von Woess, *PCBR*, needs to be modified here: see Frederiksen, *CCPD* 135-6 (but cf. n.60 above). Chalon, *ETJA*, is well worth consulting: see esp. 117 n.33bis, in which he quotes and discusses *P. Ryi* II.75 and *P. Vind. Boswinkel* 4.
65. Cf. Schulz, *CRL* 214, 402-5; also 44, 381, 302, 439-60, 511. See also Jolowicz and Nicholas, *HISRL*<sup>3</sup> 187-90, 215-16, 401, 444-5; Buckland, *TBR*<sup>1</sup> 618-23, 634, 642-6, 671-2; de Zulueta, *Inst. of Gaius* II.242-7; Crook, *LLR* 170-8; Frederiksen, *CCPD* 129-30, 135-6, 141; and cf. P. A. Brunt's long and valuable review of Westernmann, *SSGRA*, and two other books on ancient slavery, in *JRS* 48 (1958) 164-70, at 168. Anyone tempted to explain away an incident such as that described by Livy VI.xiv.3 ff. (385 B.C.), on the ground that it occurred before the Lex Poetelia (cf. Livy VIII.xxviii.1-9), should note Livy XXIII.xiv.3, where in 216 B.C. we hear of the freeing for military service, during an emergency, of those accused of capital crimes and of judgment *debitoris* (evidently numerous) who were being kept in chains ('qui pecuniae iudicati in vinculis essent'). It is significant that Livy, whose outlook here is typical of the Roman propertied classes, regards the liberation of these debtors as an 'ultimum prope desperatae reipublicae auxilium, cum honesta utilibus cedant', to which the Dictator M. Junius Pera 'descendit'. Val. Max. VII.vi.1, summarising Livy, calls the debtors 'addicti' and records his own sense of shame ('aliquid ruboris habent').
66. See Varro, *LL* VII.105 (*obaeatus*); *RR* I.xvii.2-3 (*obaeatus*, in Asia Minor, Egypt and Illyricum). The word *obaeatus*, of course, is also sometimes used in the ordinary, simple sense of 'debtor', as e.g. in Livy XXVI.xi.17, and Suet., *Div. Jul.* 46 (where Caesar is *tenuis adhuc et obaeatus*). For rent in arrears as debt, see IV.iii above, and n.67 below.
67. In addition to the examples which follow in the text, see e.g. Caes., *BG* I.iv.2 and VI.xiii.1-2 (pre-Roman Gaul); Tac., *Ann.* III.xi.1 and xiii.1-2 (Roman Gaul in A.D. 21). Colum., *RR* I.iii.12 is very relevant here; also Sall., *Cat.* 33.1. And see Mt. XVIII.23-34; V.25-6; Lk. XII.58-9, mentioned in the text earlier. The very unreliable *Historia Augusta* speaks of Hadrian as abolishing 'ergastula servorum et liberorum' (*Hadr.* 18.9). *CJ* IV.lxxv.11 (A.D. 244) shows that attempts had 'often' been made to prevent tenants who were in arrears with their rents from leaving the farms they had leased, a practice which Hadrian, more than a century earlier, had found it necessary to deplore, as an 'inhumanus mos', in regard to leases of public land (*Dig.* XLIX.xiv.3.6). Cf. also Rostovtzeff, *SEHRE*<sup>1</sup> I.178-9 (with II.619-22 nn.42-5), 190-1, 471-2; Jones, *LRE* II.835-7, 858.
68. The latest and best edition of the edict of Tiberius Julius Alexander (*OGIS* 669 = *IGRR* I.1263) is by Chalon, *ETJA*. There are English translations, including that of A. C. Johnson, in *ESAR* (ed. Frank) II.705-9. The relevant lines of the edict are 13-18; for Chalon's commentary see his *ETJA* 110-22 (esp. 114-19 and n.33bis); and cf. line 37, with Chalon's commentary, *ETJA* 187-8, where I think Chalon is probably right in refusing to see a reference to *cessio bonorum*. And see von Woess, *PCBR* 492-3 and n.4; also 525 n.1 on *M. Chr.* 71 = *P. Lips.* Inv. 244, lines 7-8.
69. See Garnsey, *SSLPRE*, esp. 99-100, 277-80.
70. Olivia Robinson, 'Private prisons', in *RIDA*<sup>1</sup> 15 (1968) 383-98, at 391, seems to take *CJ* VII.lxxi.1 as applying to *indictio* in general, whereas in fact it deals only with those who have been allowed to make a *cessio bonorum*, for which see above and n.61-4.
71. Mittels, *RuV* 450-8, cites some interesting evidence, including that of St. Ambrose for Italy.
72. See e.g. Schulz, *CRL* 214-15. One may doubt whether provincial practice changed much for the better.
73. For *παπαμονή* see esp. A. E. Samuel, *RPCAD*, including a discussion of modern theories (221-8); Bertrand Adams, *Paramoné u. verwandte Texte, Stud. zum Dienstvertrag im Rechte der Papyri* (= *Neue Kölner rechtswiss. Abhandl.* 35, Berlin, 1964); W. L. Westernmann, 'The *paramoné* as general service contract', in *JJP* 2 (1948) 9-50 (not reliable); the bibliography in Nörr,

- SRIFAR* 89 n.107; and Crook, *LLR* 192-3, 200-2, 246-7.
74. The actual term *sanguinolenti* occurs in the title of *CTh* V.x and in *CJ* IV. xliii.2.pr. (= *CTh* V.x.1.pr.).
75. For the main laws referring to sale of children and other free persons (including self-sale, a difficult subject, treated by Buckland, *RLS* 427-33) see esp., in addition to the three constitutions quoted in the text above, *Dig.* XLVIII.xv (on the Lex Fobia de *plagiariis*); *CJ* VII.xvi.1 (Caracalla, 211-17), 10 (293); IV.xliii.1 (294); VII.xvi.39 (294); *Fr. Vat.* 33 (313); *CTh* IV.viii.6 (323); cf. Paul., *Sent.* V.1.1; *Dig.* XL.xii.33. Enslavement of free provincials as a result of Roman exactions is said to have occurred in the late Republic and early Principate: see e.g. Plut., *Lucull.* 20.1-4; App., *BC* IV.64; Tac., *Ann.* IV.lxxii.4-5. For the literary sources and papyri from the Later Roman Empire see Jones, *LRE* II.853-4 (with III.287 n.71): the clearest are Zos. II.38.1-3; Libani, *Orat.* XLVI.22-3; Rufinus, *Hist. Monach.* 16 (in *MPL* XXI.436) = *Hist. Monach. in Aeg.* 14.5-7; ed. A. J. Festugière (Brussels, 1961). Cassiod., *Var.* VII.33 (see the main text above, just below n.73); *P. Caion* 67023; add Evagri., *HE* III.39 (cf. IV.vi above). I must add a word here about one type of *liber homo bona fide serviens* (a condition which could arise in several different ways: see e.g. Berger, *EDRL* 562), namely the man who has allowed himself to be sold into slavery in order to share the price. So many legal texts deal with this situation that it must have been common – and not only in the Later Empire or even the Severan period, especially if the reference to a ruling of Hadrian on the matter in *Dig.* XL.xiv.2.pr. is not an interpolation. I would suppose that a man who allowed himself to be sold in order to obtain part of the price would normally do so with the aim of rescuing his family, if not himself, from starvation. (I have read nothing more recent than Buckland, *RLS* [1908] 427-33. For further bibliography see e.g. Kaser, *RP*<sup>1</sup> [1971] 241 n.49, 302 n.8.) [It was only after this chapter was finished that my attention was drawn to the article by Theo Mayer-Maly, 'Das Norverkauftsrecht des Hausvaters', in *ZSS* 75 (1958) 116-55.]
76. There is a good treatment of this subject by Isaac Mendelssohn, *Slavery in the Ancient Near East* (New York, 1949). I would also like to draw attention to the brief remarks on this subject in Finley, *SD* 178, and the article by J. Bortéro, 'Désordre économique et annulation des dettes en Mésopotamie à l'époque paléo-babylonienne', in *JESHO* 4 (1961) 113-64, which is mainly about the famous edict of King Ammi-saduqa of Babylon (the fourth successor of Hammurabi).
77. See Th. Mommsen, *Röm. Staat*, 949-55. Two major examples from the reign of Nero are (a) Suet., *Nero* 31.3, where the emperor orders convicts from all parts of the empire to be sent to Italy to take part in building his projected canal from Lake Avernus to Ostia, and (b) *Jos.* BJ III.540, with Suet., *Nero* 19.2, where Vespasian sends 6,000 young men from among the Jews captured at Tarichaeae in September 67, to work on the canal through the isthmus of Corinth which had just been begun by Nero in person.
78. For the convicts sent to the copper mines of Phrygia, see Euseb., *HE* VIII.13.5; *Mart. Pal.* 5.2; 7.2-4; 8.1.13; for those in the porphyry mines opposite the Thebaid, *Mart. Pal.* 8.1; 9.1; for those sent to the Cihrian mines, *Mart. Pal.* 11.6, with 8.13; 9.10.
79. See Fulvio Cancliani, 'Lydos, der Sklave?', in *Antike Kunst* 21 (1978) 17-20; G. Neumann, 'Zur Beischrift auf dem Kyathos', *ibid.* 21-2. This painter cannot be the same as the famous Lydos, who signs a *Athen.*
80. The epitaph is reprinted in *Anthol. Lat.* II.ii = *Cum. Lat. Epigr.*, ed. F. Bücheler (Leipzig, 1897) 468, no.1015.

## [III.v]

1. Dionysius adds that he has known Romans who have freed all their slaves at their death, thus providing an impressively large train of mourners: this practice he deeply deplores (*AR* IV.24.6); it was restricted by Augustus (see Buckland, *RLS*, ch.xxiii, esp. 546-8).
2. Of the large literature I will cite only Max Kaser, *RP*<sup>1</sup> (1971) 298-301 (§ 70: 'Freigelassene und Patronat'), with II<sup>2</sup> (1975) 585, and Kaser's article, 'Die Geschichte der Patronatsgewalt über Freigelassene' in *ZSS* 58 (1938) 88-135; and a work I have not seen, J. Lambert, *Les operae liberti. Contribution à l'histoire des droits de patronat* (Paris, 1934).
3. See the bibliography in M. I. Finley's article, 'Freedmen', in *OCD*<sup>2</sup> 447-8; and in Berger, *EDRL* 564 (s.v. *libertus*) and 609 (s.v. *operae liberti*). Add P. R. C. Weaver, *Familia Caesaris: a Social Study of the Emperor's Freedmen and Slaves* (1972); and see Weaver's article repr. in *SAS* (ed. Finley) 121-40. Roman manumission is dealt with at great length in most of the second half of

- Buckland, *RLS* (437 ff.). The beginner might well start with that lively work, Crook, *LLR*, esp. 41, 50-5, 60, 191-2. Most historians I think would agree that manumission was much more common among Romans than Greeks; see e.g. Géza Alföldy's article, 'Die Freilassung von Sklaven u. die Struktur der Sklaverei in der römischen Kaiserzeit', in *Riv. stor. dell' Ant.* 2 (1972) 97-129, at 97 ff.
4. For the disabilities of the freedman himself, see Duff, *FERE*, ch. III, iv, vii; and the bibliography in Berger, *EDRL* 609, s.v. *operae liberti*. There is a brief summary in Crook, *LLR* 51.
  5. The only explicit authority for this is *Har. Aug., Perinax* 1.1; cf. *PIR*<sup>2</sup> IV.63-7, H no. 73.
  6. See in particular Mary L. Gordon, 'The freedman's son in municipal life', in *JRS* 21 (1931) 65-77; and most recently Garosey, *DPLP* (mainly, but by no means entirely, on Beneventum); also e.g. J. H. D'Arms, 'Petrol in the second century of the Roman Empire: a social and economic study', in *JRS* 64 (1974) 104-24, esp. 111-13.
  7. For Licinus, see *PIR*<sup>2</sup> IV.iii (1966) 228-9, I no. 381. For his misbehaviour in Gaul, see esp. Dio Cass. LIV.21.2-8; Suet., *Div. Aug.* 67.1; Seneq., *Apocol.* 6. His wealth is spoken of as if it were comparable with that of Pallas (*Iuv.* 1.109; cf. below and n.9), and as late as the 470s he is mentioned in the company of seven other notorious imperial freedmen (including Pallas and Narcissus) by Sidonius Apollinaris, *Ep.* V.vii.3. He appears as no. 7 in Duncan-Jones, *EREQS* 343-4, App. 7: 'The size of private fortunes under the Principate'.
  8. Plut., *Crass.* 2.3, says that Crassus' own assessment of his property in 55 B.C. (after he had made vast gifts) was 7,100 talents (a little over HS 170 million); and according to Pliny, *NH* XXXIII.134, he had land worth HS 200 million (over 8,000 talents). His famous remark is quoted by Pliny, loc. cit., as referring to the annual upkeep of a legion (estimated by Frank, *ESAR* I.327, at c. 1 million denarii and by Crawford at 1½ million for the period; see VIII.iv n.10 below); but in Cic., *De offic.* I.25, it refers to an 'exercitus', and in Cic., *Pro Cl.* VI.45, this is made more explicit: Crassus actually spoke of an *exercitus* of six legions with auxiliary horse and foot, which would surely have cost something in the neighbourhood of HS 30-60 million a year.
  9. For Narcissus, see Dio Cass. LX(LXI).34.4 (100 million drachmae = HS 400 million); for Pallas, Tac., *Ann.* XII.53.3 (HS 300 million), and Dio LXII.14.3 (100 million drachmae).
  10. I base this figure on the fact that in 43 B.C. Cicero (*XIII Phil.* 12, cf. 10, and *II Phil.* 93) could say that the Senate had promised Sextus Pompey HS 700 million, as compensation for the confiscation of his father's property. Cf. App., *BC* III.4; in 44 B.C. Sextus had been offered 50 million drachmae = denarii (HS 200 million). In 39 B.C. the figure seems to have been put at HS 70 million (Dio XLVIII.36.3; 17,500,000 drachmae).
  11. The standard view that this took place only or mainly from the reign of Hadrian onwards has been controverted by Weaver, in the works mentioned in n.3 above; see briefly SAS (ed. Finley) 137-9.
  12. See Jones, *LRE* II.567-70; M. K. Hopkins, 'Eunuchs in politics in the Later Roman Empire', in *PCPS* 189 = n.s. 9 (1963) 62-80. [This article has now been reprinted, with a few changes, as ch. iv, 'The political power of eunuchs', in the book by Hopkins mentioned in n.18 below.]
  13. For the letter of Epiphanius, see *Acta Conc. Occ.*, ed. E. Schwartz, I.iv.3.222-5, §§ 293-4. The subject is also treated by Pierre Barffol, 'Les présents de Saint Cyrille à la cour de Constantinople', in his *Études de liturgie et d'archéologie* (Paris, 1919) 154-79. The list of bribes paid to Chryseros is on p. 224 of the *Acta*, lines 14-20. Mansi V (1761) 987-9 gives the letter of Epiphanius but omits the schedule of Cyril's bribes at the end (§ 294 in the *Acta Conc. Occ.*). See also Nestorius, *The Banquet of Heracleides*, Eng. trans. from Syriac by G. R. Driver and L. Hodgson (Oxford, 1925), 272, 279-82, 286 and esp. 349-51; cf. xxii-iii, xxx. (Only the Syriac translation of the Greek original survives: it was edited by Paul Bedjan in 1910.) It seems not to be clear whether Chryseros (whose name used to be given as Chrysoretus or Chrysoretus) was the *praepositus* of the Emperor Theodosius II or of the pious Empress Pulcheria. For a summary of the main *benefactiones* or *eulogiae* given by St. Cyril, see Jones, *LRE* I.346. The gifts were so expensive that Cyril is said by his archdeacon to have borrowed 1,500 lb. gold from the Comes Annonius, after having stripped his Church of everything (*ecclesia Alexandria nudata*: see the *Acta*, p. 223, lines 31-3, § 293.6). St. Cyril was a most remarkable character: he is caustically described by the great historian Ernst Stein (himself a Roman Catholic) in his *HBE* I.1.276.
  14. See e.g. Stein, *HBE* II.356-60, 381, 454, 507-417 etc.
  15. Westermann, *ASA* 457 n.2 = *SCA* (ed. Finley) 79 n.2, rejects the figures for slaves and small animals; but P. A. Brunt, 'Two great Roman landowners', in *Latomus* 34 (1975) 619-35, argues

- that Isidorus is not likely to have exceeded the limits of credibility, although he also admits that the MS figures may not have been transmitted accurately.
16. Cf. Duncan-Jones, *EREQS* 238-48. The well-known essay by P. Veyne, 'Vie de Trimalchion', in *Annales* 16 (1961) 213-47, has much excellent material, but perhaps does not fully bring out the extravagance of some of the exaggerations in the *Cena Trimalchionis*.
  17. Cf. *IGRR* III.802.19-26, where *οὐνοδικτάρμοι* and *ἀνεκευθεροί* again appear together (line 25), but the *παρούκοι* are omitted, as are (doubtless by mistake) the *πολέται* who appear next to the *ἐκκλησιασταί* in 801.19 and 800.9-10. In 800 the *οὐνοδικτάρμοι* do not appear. See also Section vi of this chapter after its n.35.
  18. What I have said applies, in my opinion, even to the material examined in the very interesting and able article by Géza Alföldy mentioned in n.3 above, with which I need not concern myself here, as it deals only with Rome and Italy, Spain, and the Danubian area, and not with my 'Greek world'. [Cf. now Keith Hopkins, *Conquerors and Slaves. Sociological Stud. in Roman Hist.* I (1978) 115 n.30 and 127 n.63, which I read after this section was finished. I am glad to find that we are in broad agreement about Alföldy's conclusions.]
  19. See n.2 above; also e.g. W. W. Buckland, *TBRL*<sup>3</sup> 88-90, or, much more briefly, Duff, *FERE* 43-4; Crook, *LLR* 53.

## [III.vi]

1. This section naturally concentrates on Greek rather than Roman wage labour; but, as I shall not have an opportunity to give more than occasional bibliographical references for Roman *mercenarii* (and the law relating to them, which I shall have to touch upon), I will mention here some standard works that deal in a general way with Roman hired labour and the law relating thereto: Remo Martini, 'Mercenarii', *Contributo allo studio dei rapporti di lavoro in diritto romano* (Milan, 1968); and a series of works by F. M. De Robertis: the two mentioned in n.36 below; also *Il diritto associativo romano* (Bari, 1958), *Il fenomeno associativo nel mondo romano, dai collegi della Repubblica alle corporazioni del basso impero* (Naples, 1955); *Storia delle corporazioni e del regime associativo nel mondo romano* (2 vols. Bari, 1971). See also nn.36 and 39-40 below. [Only when this chapter was in proof did I see the article by P. A. Brunt, 'Free labour and public works at Rome', in *JRS* 70 (1980) 81-100, of which the author kindly showed me an early draft. I accept much of what he says about Rome; but note his statement (p.84) that he is 'not claiming that what is true for Rome holds for other towns in the empire'.]
2. Cf. Aeschin. I.BG, where the forms of property envisaged are dwelling house and tenement house (*oikia* and *synektērion* for the distinction, see § 124), land, slaves, and money invested in loans.
3. See L. A. Morlez, 'Alphita - à noter', in *CQ* 43 (1949) 113-17; *Gram-Mills and Flour in Classical Antiquity* (1958), esp. 149-50.
4. The law was evaded by 'decurions' taking over a head-lease of the property they were going to manage, so that they could legally claim to be *conductores*, not *procuratores*; but this practice too was forbidden by Theodosius II and Valentinian III in 439, by *Nov. Theod.* IX.1, which even goes on to forbid decurions acting as sureties for lessees (§ 4).
5. Aristotle speaks of hired labour as a form of *μισθοποιία* (*Pol.* I.11, 1258<sup>b</sup>25-7), or *μισθοποιική εργασία* or *τέχνη* (*VIII.2*, 1337<sup>b</sup>13-14; *Éth. Éud.* I.4, 1215<sup>a</sup>31; cf. *Ps.-Arist., Oeconom.* I.2, 1343<sup>a</sup>29), and uses the verb *μισθοποιεῖν* (*Pol.* IV.12, 1296<sup>b</sup>28-30). He never uses *μισθοποιία* for hired labour.
6. The six main passages in Aristotle are *Pol.* I.11, 1258<sup>b</sup>25-7; 13, 1269<sup>b</sup>36-1; III.5, 1278<sup>a</sup>21-5; IV.4, 1296<sup>b</sup>39-1<sup>a</sup>; VI.7, 1321<sup>a</sup>5-6; *Rhet.* I.9, 1367<sup>b</sup>28-32. For other passages on the *thēs* and his activities, see *Arist. Éth. Éud.* VII.12, 1245<sup>b</sup>31; *fr.* 485; the texts cited in n.5 above in which *μισθοποιία* and its cognates appear; and *Pol.* III.5, 1278<sup>a</sup>11-13, 17-18, 20-1; VI.1, 1317<sup>a</sup>24-6; 4, 1319<sup>a</sup>26-8; VII.9, 1329<sup>a</sup>35-8 (to be understood in the light of 8, 1326<sup>a</sup>21-5, 1328<sup>b</sup>2-4); VIII.2, 1337<sup>b</sup>19-21; 6, 1341<sup>b</sup>13-14; 7, 1342<sup>b</sup>18-21; *Éth. Nic.* IV.3, 1125<sup>a</sup>1-2.
7. Among other passages, see *Arist., Pol.* II.8, 1269<sup>a</sup>34-6 (τὴν τὸν ἀναγκαῖον . . . σχολήν); IV.4, 1291<sup>b</sup>25-6; VII.9, 1329<sup>a</sup>1-2; 14, 1333<sup>b</sup>33-6; 15, 1334<sup>a</sup>14-16; with the admirable paper by J. L. Stocks, 'ΣΧΟΛΗ', in *CQ* 30 (1936) 177-87. On *σχολή* (the Latin word most nearly - although often not very nearly - corresponding to *σχολή*) there is a large recent book of no fewer than 576 pages, by Jean-Marie André, *L'homme dans la vie morale et intellectuelle romaine des origines à l'époque augustéenne* (= *Publ. de la Fac. des lettres et sciences humaines de Paris. Série 'Recherches'*, XXX, Paris, 1966).

8. Arist., *Pol.* IV.4, 1290<sup>b</sup>38-148, 1291<sup>a</sup>33-<sup>b</sup>13; VI.7, 1321<sup>a</sup>5-6; cf. VI.1, 1317<sup>a</sup>24-6; 4, 1319<sup>a</sup>26-8; VII.9, 1329<sup>a</sup>35-8.
9. Cf. the discussion of the two passages in question in II.iv above, from which it should be evident that although it is only the one in Book VI which sets out to deal with the *μέρη* of the *πλήθος* specifically, yet the first four *μέρη* in IV.4 turn out in the end not to include the *εἰσποροί*, the propertied class, and therefore are in effect divisions of the *πλήθος*.
10. Unlike most editors, I would delete the *οἱ* in line 24, for in my opinion it would be absurd to suppose that Aristotle can be saying that *most* of the *τεχνίται* are rich – especially in the oligarchies of which Aristotle is here speaking! I would suppose, by the way, that *τεχνίται* who became rich did so by employing slave labour, like Cypreus and the others mentioned in the second of Xenophon's dialogues summarised above – the one with Aristarchus (*Mem.* II.vii), where indeed all the men concerned are specifically stated to have made their pile by using slaves. Such men as the fathers of Isocrates and Demosthenes would certainly fall into this category. On the other hand, I feel sure that when Aristotle speaks of *οἱ χειρῆτες* (*Pol.* III.4, 1277<sup>a</sup>38-<sup>b</sup>1) and *τὸ χειρῆτικόν* (IV.4, 1291<sup>b</sup>25-6) he is thinking primarily of hired workers: note the *δούλου εἶδη* of 1277<sup>a</sup>37 and the *μὴ δύνανσθαι σχολάζειν* of 1291<sup>b</sup>26.
11. For another statement treating wage-labour and slavery as very much alike, see the late Peripatetic work, Ps.-Arist., *De virtut.* 7, 1251<sup>b</sup>10-14 (esp. *βίαι θητικὸς καὶ δουλοπρεπὴς καὶ ὑπαρὸς, εἰς τοῖς μίαις καὶ ἐλευθερίας ἀλλοτρίως*).
12. Other passages in Homer in which *θήτες* appear are *Iliad* XXI.441-57 (where Poseidon and Apollo serve Laomedon of Troy for hire for a year, but are cheated of their pay – probably a very common experience for the *θήτες*); *Odys.* IV.643-4 (where *θήτες* and household servants are envisaged as the likely source for rowers); XIV.101-2 (herdsmen); XVIII.356-61 (farm work); cf. *Iliad* XVIII.550, 560, where the *ἐπίδοι* are presumably also hired labourers.
13. IG II<sup>2</sup>.1672.28-30, 32-4, 45-6, 60-2, 125-6, 158-9, 292-5, 299; 1673.4, 28-9, 44-5, 58-9 (*μισθοδοί*). Some additional restorations have been made by Kevin Clinton, 'Inscriptions from Eleusis', in *Archaeologia* (1972) 81-136, at 83-8.
14. IG II<sup>2</sup>.1672.4-5, 42-3, 117-18, 141-2, 1673.39 (*δημόσιον*). And see n. 13 above.
15. 'Κολωνος μισθός: labour exchange in Classical Athens', in *Franks* 49 (1951) 171-3. (This Kolonos was not a deme, like Kolonos Hippios, the deme of the poet Sophocles; it was in the deme Melite.)
16. I give here all the passages I know from Athens relating to hired labour in agriculture: Solon fr. 1.47-8 and Ps.-Dem. LIII.20-1 (cited in the text above); Ar., *Wasps* 712; Dem. XVIII.51; LVII.45; Theophr., *Char.* IV.3; Menand., *Agric.* 46-7; *Dysc.* 330-1; cf. Xen., *Hiero* VI.10.
17. In the 1,651 pages of text and notes in Rostovtzeff, *SEHWW*, there are few specific references to wage-labour outside Delos (the situation in which is discussed in Tarn's chapter mentioned in n. 18 below; cf. Larsen in Frank, *ESAR* IV.408-12). Perhaps the most useful statement is one in *SEHWW* III.1601 n.53: 'The average remuneration of technical service (with few exceptions) was about 1 dr. a day, sometimes less, sometimes a little more. The salary of a "foreman" (for example, a *τηγεμίων* in the military service) was no more than double the salary of a common *τεχνίτης*, which was "little more than a living wage, while the unskilled or half-skilled hired hands earned a little less than this living wage."
18. In *The Hellenistic Age*, by J. B. Bury and others (1923) 108-40, Tarn gives no references, but many of them can easily be discovered with the aid of Tarn, *HC*<sup>3</sup> (esp. ch.iii); Rostovtzeff, *SEHWW*; and Larsen's 'Roman Greece', in Frank, *ESAR* IV.259-496.
19. In the whole of Rostovtzeff, *SEHWW*, there are hardly any references to hired labour which are supported by the production of evidence. And I know of nothing at all to compare with the Mactar inscription, mentioned in the text above, just after the passage to which the present note relates. I see no reason to give a string of uninformative references and will content myself with two. First, there is IG XII.v.129, lines 14-20, where the Parians, in the second century B.C., congratulate their *agoranomoi* for having dealt justly both with hired men and with their employers, and for having obliged the hired men to go to work and the employers to pay their wages without litigation. I agree with Buckler, *LDPA* 28 (see esp. his n.3), that the men are more likely to have been agricultural labourers than industrial workers. The second text is Dio Chrys. VII.11, one of very few which speak of free men serving as herdsmen for hire. Perhaps I should add that the most interesting of the documents set out and discussed in Buckler, *LDPA* (36-45, 47-50), namely the declaration by the collective building workers of Sardis dated 27 April 459, has nothing to do with hired labour in the technical sense (see IV.vi below). I think we can generalise the statement Rostovtzeff makes on Egypt (I<sup>2</sup>.471): 'We can hardly presume the existence of a specific wage-earning class of labourers in Egypt. The majority of wage-earners worked occasionally and had another permanent occupation (most of them being peasants); moreover, women and children worked along with the men. The position of labour

in industry is almost unknown.' This can surely be taken to be broadly true of the whole empire. There was certainly a good deal of hired labour in agriculture, of a purely seasonal nature (cf. MacMullen, *RSR* 42 and 162 on 45-8; White, *RF* 347-50, with Brunt's review in *JRS* 62 [1972], at 158; Jones, *LRE* II.792-3). A very exceptional construction programme which offered high rates of pay, such as the building at great speed by Anastasius in 505-7 of a new frontier fortress city at Dara (renamed Anastasiopolis) near Nisibis in Mesopotamia, might attract large numbers of workers while it lasted, and many of them might be *μισθοδοί/mercennarii* (see Jones, *LRE* II.838); cf. Procop., *Bell.* III (Vand. I) xxiii.19-20 for Behsarius at Carthage in 533 offering generous pay to *εὐερετὲς περὶ τῆς οἰκοδομίας τεχνίταις καὶ τῷ ἄλλῳ δμίλῳ*, to repair the city wall and surround it with a ditch and a wooden stockade. I think that Procopius' distinction between the *τεχνίται* and the *ἄλλος δμίλος* is a genuine one: the latter would be mainly unskilled wage-labourers.

20. For Epidaurus, see Burford, *CTHE* 57-9, 88-118, 131, 138-58, 159-66, 184-91, 191-206; EGTB, esp. 24-5, 27-30, 31. For Delos, see P. H. Davis, 'The Delos building contracts', in *BCMH* 61 (1937) 109-35; still useful too is G. Glotz, 'Les salaires à Délos', in *Jul des Savants* 11 (1913) 206-15, 351-60. [It was not until after this book was finished that I was able to look at Gabriella Bodel Gighon, *Laurea pubblica e corporazione nell' antichità classica* (Bologna, 1974).]
21. IG II<sup>2</sup>.1672-3. For the *μισθοδοί* in these documents, see n. 13 above; for the *δημόσιον*, n. 14; for the tithe corn, 1672.363-88, cf. 292-3. Among various other accounts from Athens, I must mention those for the Erechtheion from the last decade of the fifth century; see IG I<sup>2</sup>.372-4 and II<sup>2</sup>.1654-5, with additions in SEG, esp. X.268-301; and L. D. Caskey, in *The Erechtheion* (1927), ed. J. M. Paton and others, ch. iv. These latter accounts are uselessly, if not very accurately, analysed by R. H. Randall, 'The Erechtheion workmen', in *AJA* 57 (1953) 199-210. I have referred to wages by the day: these are at least once called *καθημερινά* (IG I<sup>2</sup>.373.245-6; cf. [καθημερινά] restored in IG I<sup>2</sup>.363.32, 39; see SEG III.39), but it is often made clear that the rate is by the day, and even the salary of the architect at Athens, Epidaurus and elsewhere is usually at so much per day. Wages paid (if not calculated) by the month, *κατά μηνᾶ*, are mentioned several times in fifth-century Athenian inscriptions, e.g. IG I<sup>2</sup>.339.30; 346.67 (where they are perhaps distinct from the *μισθοδοί* in line 63); 352.37; 363.48-9, where I think we can hardly separate *κατά μηνᾶ* from *μισθοδοί*.
22. My position is very different from that of Burford, *CTHE* 109 ff., esp. 112, where the statement that 'The accounts for the repair of the Erechtheion record "day-wages" (*μισθοδοί*) paid to "hired workers" (*μισθοδοί*)' is far from justified by the evidence: the word *μισθοδοί* never appears in fifth-century Athenian inscriptions, as far as I know, and certainly not in IG I<sup>2</sup>, and the word *μισθοδοί* occurs only in one context in the surviving portion of the Erechtheion accounts, in IG I<sup>2</sup>.373.245 (cf. 261), quoted in the text above towards the end of the paragraph containing the reference to this note (22). The unnamed 'men', numbering between 19 and 33, who in the Erechtheion accounts for 407/6 (IG I<sup>2</sup>.374.404-17) were paid 1 dr. each on various days and were presumably 'hired by the day' (Randall, op. cit. 200), were very probably *μισθοδοί* in the strict sense but are not so called in the lines surviving, nor is their pay called *μισθός*, a term which in the Erechtheion accounts seems to be reserved for the pay of the architect and under-secretary (374.108-12), apart from a possible appearance in line 122. I would particularly emphasise, too, that in IG I<sup>2</sup>.352.34-5 [*μισθός* is paid in 434/3 B.C. to the sculptors of the pediment-reliefs of the Parthenon, who would be anything but mere *μισθοδοί*. *Μισθός* is also given in the Eleusian accounts to other men who appear to be skilled artisans, contractors: see e.g. IG II<sup>2</sup>.1672.67-8, 110-11, 144-5, 189-90; 1673.14, 22-3, 36 and esp. 65 to near the end, where *μισθός* appears again and again as given for the use of yokes of oxen in transporting the tambours of the columns, usually in sums of a few hundred drachmae at a time. And here again, of course, the architect and other figures of reputable status receive *μισθός*. Given by the State, *μισθός* is unobjectionable. I do not want to go into too much detail about the peculiarities of the building inscriptions I have mentioned and others, but I think I should add three points. First, we occasionally find payments described as *συστά* (provisions, rations) to building workers, which we may translate 'ration money', as in IG II<sup>2</sup>.1672.6-8 (Eleusis, 329/8), where the payment is at the rate of 7 obols per day each to a number of men of unknown status, who have been carving inscriptions. Secondly, we hear – although never, as far as I know, in inscriptions – of men referred to as *ἐπιστοί*, whose work is said to be remunerated not in money but in food only: see Athen. VI.246f-7a, citing esp. Plato *Rip.* IV.420a and Eubulus. Thirdly, it is sometimes specifically recorded that particular payments

- have been made to workers described as *oikodotai* (literally, 'living at home'), evidently signifying that they supply their own food (e.g. IG II<sup>2</sup> 1672.28, 29, 32, 33, 46, 62, 111, 160, 178); but I feel certain that the use of the word in question has no significance, and that men not described as *oikodotai* did not receive in addition rations or money therefor. (It seems clear that there is no difference in rates of money pay according to whether the word *oikodotos* is used or not; and of course, if not being *oikodotos* had involved additional remuneration in money or kind, then the relevant expenditure would have had to appear in the accounts – and it does not.) I may add that the recipients of pay who are described as *oikodotai* are sometimes *μισθοῖσι* (1672.29, 33, 46, 62), and that only one payment to an *oikodotos* is actually called *μισθός* (line 111). The word *oikodotos* occurs only in 1672 and not in the preserved portions of 1673.
23. In the surviving parts of the Erechtheum inscriptions (see n.21 above) only one man seems actually to be called a *μισθωτής*: the metie Dionysodoros, in IG I<sup>2</sup> P. 374.99-100, 264-7. Later, however, the word is used more freely, and in the Eleusis accounts (see n.21 again) it is often applied to contractors. But I do not myself see any real economic significance in the terminological variations in the different inscriptions. Outside Athens, as I said earlier in the main text above, other terms may be used for the contractor, and at Epidaurus, for instance, he is merely said to have 'undertaken' the work.
24. See Meiggs, *AE* 132 ff., esp. 139-40 (an excellent passage), showing that it would be a mistake to accept Plot., *Per.* 12 as necessarily founded on a good contemporary source (as has so often been assumed); also A. Andrewes, 'The opposition to Perikles', in *JHS* 98 (1978) 1-8, at 1-5 (esp. 3-4), going further and plausibly arguing that the passage is worthless and must derive from a late source, perhaps a composition produced by 'a student in some post-classical school'. See also A. Burford, 'The builders of the Parthenon', in *Parthenon and Parthenon* (= *Greece & Rome*, Suppl. to Vol. 10, 1965) 23-35, esp. 34.
25. See esp. Burford, *EGTB* 30-4; also Francotte, *IGA* II.83-4.
26. The silence of Isocr. II (*Ad Nikod.*) is particularly significant here, since the passage in §§ 15-16 that begins *μελέτωσιν τοῦ πλῆθους ἀσφαλεῖς* advocates particular concern for the masses. Perhaps I should just add that it would of course be wrong to pretend that when Demades spoke of *τὰ θεατικά* as the 'glue of the democracy' (*κόλλα τῆς δημοκρατίας*; fr. II.9 Sauppe, ap. Plut., *Mor.* 1011b) he could have been referring to the public works which were paid for out of the theoric fund (see the passages listed in my review of J. J. Buchanan, *Theorika*, in *CR* 78 = n.s.14 [1964] 191), since it is clear that it was the distributions of theoric money for certain festivals (*τὰς διανομὰς* in the passage quoted) to which Demades was referring. To suppose the contrary would be to assume, without the slightest reason, that Plutarch was misunderstanding Demades; and it would anyway be ridiculous to imagine that some very minor public works could be called the 'glue of the democracy'.
27. See Zvi Yavetz, 'Plebs sordida', in *Athen* n.s. 43 (1965) 295-311; cf. 'Levitas popularis', in *Atene e Roma* n.s. 10 (1965) 97-110. On the generally neglected question how the poor at Rome were accommodated (mainly in overcrowded and misale tenement-houses, *insulae*) see, for the Late Republic, Yavetz, 'The living conditions of the urban plebs in Republican Rome', in *Latomus* 17 (1958) 500-17, repr. in *CRR* (ed. Seager) 162-79, and, for the early Principate, B. W. Frier, 'The rental market in early Imperial Rome', in *JRS* 67 (1977) 27-37. As Brunt has noticed (see *SAS*, ed. Finley, 90 n.49), there is evidence from a Late Republican jurist, C. Trebatius Testa, of patrons providing free tenancies for their own or their wives' *liberti et clientes*; *Dig.* IX.iii.5.1.
28. See J.-P. Waltzing, *Étude historique sur les corporations professionnelles chez les Romains* I (Louvain, 1895) 346-7. Cf. H. J. Loane, *Industry and Commerce of the City of Rome 50 B.C.-200 A.D.* (= *Johns Hopkins Univ. Stud. in Historical and Political Science* LV.2, Baltimore, 1938) 64-5 etc.
29. P. A. Brunt, in *JRS* 63 (1973) 250, referring to his *SCRR* (see its Index, 164, s.v. 'public works'); cf. Brunt in *SAC* (ed. Finley) 87-91. [And see now Brunt's 1980 article, mentioned at the end of n.1 above.]
30. See Walbank, *HCP* I.692-4 on the whole subject. He cites (692) Livy XXIV.18.13 for the use of the Latin term *plebs* in the same sense as Polybius uses the Greek word *πληθος* in VI.17.3.
31. Having regard to the context, and Polyb. IV.50.3, I believe that Walbank (ibid. 694) is right in taking *ταῖς ἐργασίαις ταῖς ἐκ τούτων* to mean 'the profits from the contracts' rather than 'the business consequential on the contracts' (Brunt, as cited in n.29 above).
32. Only after this chapter was finished did I see the interesting article by Lionel Casson, 'Unemployment, the building trade, and Suetonius, *Vesp.* 18', in *BASP* 15 (1978) 43-51, giving another interpretation of that text. I shall say nothing about this here, as P. A. Brunt will

shortly be dealing with the subject fully. [See again now his 1980 article.]

33. Ramsay MacMullen, 'Roman Imperial building in the provinces', in *HSCP* 64 (1959) 207-35, is a mine of information on its subject. For the role of the army, see esp. *ibid.* 214-22.
34. See Denis van Berchem, *Les distributions de blé et d'argent à la plèbe romaine sous l'empire* (Geneva, 1939); and cf. now J. B. Rea, *P. Oxy.* XL (1972), pp. 8-15.
35. The evidence is most plentiful for Italy and Africa: this has been collected and well analysed by Duncan-Jones, *ERFQS* 80-2 (Africa) and 132-44 (Italy); see esp. 139, 141-3 for social discrimination. The only exception I have come across to the rule that where distributions are graded, the grading is strictly according to social rank, is where a freedman at Ostia gives more to Augustales (themselves of course freedmen) than to decurions (*CIL* XIV.431 = Duncan-Jones, *ERFQS* no. 674 = 712, pp. 176-7, 187). See in general A. R. Hands, *Charities and Social Aid in Greece and Rome* (1968), esp. 89-92 and, among his translated documents, D. 41 (Menodora) and D. 40, 42-3 (Italy).
36. Crook, *LLR* 191-8, with ample references, 320-1 nn.59-96. I would add Th. Mayer-Maly, *Locatio Conductio* (= *Wiener rechtsgeschichtliche Arbeiten* IV, 1956), esp. 123-7, and Dieter Nörr, *SRBFAR* = 'Zur sozialen und rechtlichen Bewertung der freien Arbeit in Rom', in *ZSS* 82 (1965) 67-103, which is partly a review of F. M. De Robertis, *Lavoro e lavoratori nel mondo romano* (Bari, 1963); cf. De Robertis, *I rapporti di lavoro nel diritto romano* (Milan, 1946). My one objection to Crook's material is his citation of *Cic.*, *Ad Att.* XIV.iii.1 (44 B.C.), as evidence that 'the workers on a building contract for Cicero at Tusculum... went off to do harvesting in April' (*LLR* 195). A similar reading of the passage appears in White, *RF* 513 n.33. This interpretation of the words 'ad frumentum' in that letter is absolutely ruled out, however, both by the time of year (the men had returned by early April) and by the continuation of Cicero's sentence, to the effect that the men had 'returned empty-handed, reporting a strong rumour that all the grain in Rome was being taken to Antony's house'. The phrase 'ad frumentum' must mean 'to buy grain'. I may remark that Brunt's interpretation of the same passage (in *SAS*, ed. Finley, 90) would require not 'ad frumentum' but e.g. 'ad frumentationem'; and it also does not suit the continuation of the sentence.
37. For the usage of the expressions 'Arabiae' and 'Syriae' in the early centuries, see F. Millar, in *JRS* 61 (1971) 1 ff., at pp. 2-8.
38. We must not, however, go so far as to imagine that the wage-labourer was legally assimilated to the slave in Roman law, as some scholars have been tempted to suppose. The *mercennarius* certainly did not form part of the *familia*, for instance: nothing in *Dig.* XLIII.xvi.1, 16-20 or elsewhere justifies such an assumption. And in *Dig.* XLVII.ii.90 and XLVIII.xix.11.1 the relationship of the *mercennarius* to his employer can no more be equated with that of the slave to his master than with that of the freedman or the client to his *patronus*; nor can 'loco servorum' in *Dig.* VII.viii.4.pr. and XLIII.xvi.1.18 be intended to apply to ordinary *mercennarii*: for all this, see R. Martini, op. cit. (in n.1 above) 62 ff., esp. 69-72. [Better still is Brunt, in § 5, pp. 99-100, of the 1980 article cited at the end of n.1 above.]
39. For the bibliography, see n.36 above, also Crook, *LLR* 192-8 (with 320-1 nn.59-96). I think I have found most illumination from the article by J. A. C. Thomas, 'Locatio and operae', in *BIDR* 64 (1963) 231-47. I agree with Crook that Schulz, *CRL* 542-4 is over-legalistic in belittling the distinction I am describing. Among the earliest passages in Latin referring to *locatio conductio operarum* I would pick out Plaut., *Trinumm.* 843-4, 853-4.
40. See very briefly Berger, *EDRL* 567 (s.v. *locatio conductio operarum*); Buckland, *TBRL* 503-4. I agree with the account given by Crook, *LLR* 203-5, following Thomas, op. cit. 240-7.
41. Except in an inferior MS reading of *Dig.* XXXVIII.1.26.pr.
42. Thomas, op. cit. (in n.39 above) 239, says he finds 'no legal use of *operas locare/conducere* before the time of Hadrian'; but Petronius, *Sat.* 117.11-12, cited in the text above, shows that it was well known in ordinary speech by the mid-first century.
43. See esp. Dio Chrys. XI.5-9; XLV.12-16; XLVI.9; XLVII.12-21; XLVIII.11-12.
44. It will be sufficient to refer to Finley, *AE* 81, with 194 n.58.
45. I take it that in the sentence, 'Demosthenes' guardians did not claim that they had sold off the products of his factory cheap, owing to the alleged plot, but that they did not sell them at all, or alternatively suspended the slaves' work', Jones is referring to *Dem.* XXVII.20-2. But his conclusions are not justified; Demosthenes is giving a set of possible alternatives which he thinks Aphobus might propose, and we can have little idea what the real situation was: see Davies, *APF* 126-33, for an admirably sceptical account of Demosthenes' assertions.

46. Davies' APF 127-33, is excellent on the estate of Demosthenes' father. I accept his modification, p.131, of the theory I put forward in *Class. & Med.* 14 (1953) 30-70: it is clearly an improvement.
47. Jones, SAW 190-1 = SCA 6-7, begins his section II with a praiseworthy attempt to distinguish between free craftsmen and hired labourers. But then, when he is ostensibly dealing with hired labour, after asserting that 'We do not know what the practice of private employers was, but the Athenian State, as the temple building accounts prove, paid the same rate . . . to free workers or hired slaves', he makes a reference to the Erechtheum accounts, where there are no specifically hired labourers such as the *μισθοῦται* of IG II<sup>2</sup>. 1672-5 (see n.13 above) but the payments for work done are (in my opinion) given to those I am calling 'contractors', apart from the groups of unspecified 'men' in IG II<sup>2</sup>. 374.404-17, mentioned in n.22 above, whom I take to be in fact *μισθοῦται*, although they are not so called.
48. I find it hard to decide between the position adopted by Keith Thomas, 'The Levellers and the franchise', in *The Interregnum. The Quest for Settlement 1648-1660*, ed. G. E. Aylmer (1972) 57-78, and that of C. B. Macpherson, *The Political Theory of Possessive Individualism*, Hobbes to Locke (1962), e.g. 107, 282-6; and *Democratic Theory. Essays in Retrieval* (1973) 207-23, whose views are at least partly shared by Christopher Hill, *Puritanism and Revolution* (1958) 307, and by Pauline Gregg, in her delightful book on the most important of the Levellers, *Free-born John. A Biography of John Lilburne* (1961) 215, 221-2, 257, 353-4. Thomas is certainly right in emphasising the wide differences of opinion among the Levellers, and on the whole he seems to me to have the better of the argument.
49. There has been some dispute how far 'alms-takers' should be distinguished from 'beggars', and also on the question how wide the category of 'servants' was, and how far it included wage-earners who were not household servants. See the works cited in the preceding note.
50. For the first definition, see (a) *The Oceana of James Harrington and his Other Works*, ed. John Toland (1700) 83, from *Oceana* (of 1656), and (b) *ibid.* 436, from *The Art of Lawgiving* (1659), Book III, chapter 1 (servants have not 'wherewithal to live of themselves'); and for the second, see *ibid.* 496, from *A System of Politics* (1661) 1.13-14. (The page references are the same as above in the two editions of 1737, published separately in London and Dublin.) On Harrington, the most recent work seems to be by Charles Blitzer, *An Immortal Commonwealth. The Political Thought of James Harrington* (= *Yale Stud. in Pol. Science* 2, New Haven, 1960). The latest edition of *Oceana* (with notes) is by S. B. Liljegren, *James Harrington's Oceana* (Heidelberg, 1924). See also Hill, *op. cit.* (in n.48 above), esp. 299-313; R. H. Tawney, 'Harrington's interpretation of his age', in *PBA* 27 (1941) 179-223; and the inaugural Lecture as Harmsworth Professor delivered at Oxford (and published) in 1976 by Jack P. Greene, *All Men Are Created Equal*, esp. 17-23, with 37-9 nn.66-88. [Only after this section was finished did I become aware of *The Political Works of James Harrington*, ed. J. G. A. Pocock (1977).]
51. My quotations are from the excellent summary of the political ideas of Kant in *Kant's Political Writings*, ed. (with Introduction and notes) by Hans Reiss and translated by H. B. Nisbet (1970) 78 & note, 139-40. The references to the German text in each case will be found on pp.193 and 197 of the book.
52. Mt. XX. 1-16 (where *ἐργάται* from the *ἀγροί*, hired to work in a vineyard by its owner, receive *μισθός* from an *ἐντεταμένος*; Mk I.20 (*μισθοῦται* on a ship); Lk. X.7 (the *ἐργάτης* is worthy of his *μισθός*); XV. 17, 19 (*μισθοῦται*); Jn IV.36 (a harvester receives *μισθός*); X. 12-13 (a *μισθοῦτος* who is not the regular *ποιμήν* does not look after the sheep properly); James V.4 (keeping back by fraud the *μισθός* of the *ἐργάται* who have been harvesting or mowing). Cf. Lk. III.14 (*ἀπώματα* of soldiers); II Cor. xi.8 (Paul received *ἀπώματα* from churches); II Pet. ii.15 and Rom. VI.23 (*μισθός* and *ἀπώματα* used metaphorically).

## [IV.i]

1. H. I. Bell, in *JHS* 64 (1944), at p.36. The metaphors, of course, come from I Kings xii.14.
2. See Jones, *RE* 151-86, 'Taxation in antiquity', rightly described by the editor of the volume, P. A. Brunt, as 'a valuable and indeed unique introduction to the subject'.
3. There is a useful short summary in Jones, *RE* 153. The longest account of Athenian taxation available in English is that of A. M. Andreades, *A History of Greek Public Finance I* (Eng. trans. by Carroll N. Brown, Cambridge, Mass., 1933) 268-391, but it is not well written and is already in many ways out of date. It is still worth going back to the great work of August

Böckh, *Die Staatshaushaltung der Athener*<sup>2</sup> (1886).

4. See Rostovtzeff, *SEHWW* I.241-3 (with III.1574-5 nn.71-2); Andreades, *op. cit.* 150-4.
5. See S. L. Wallace, *Taxation in Egypt from Augustus to Diocletian* (1938), an unnecessarily difficult book on an admittedly very difficult subject. H. C. Youtie, *Scriptumculae* II.749 n.1 (= *AJP* 62 [1941] 93 n.1), reviewing Wallace's book, conveniently gives references to other reviews, by Bell, Esslin, Naphtali Lewis, Préaux, Rostovtzeff, and Westermann. I agree with Brunt's remark appended to Jones, *RE* 158 n.34: 'The marvellously lucid account of taxation in Ptolemaic and Roman Egypt in U. Wilcken, *Gr. Ostraka I* (1899), though in parts antiquated, remains perhaps the best introduction.' Claire Préaux, *ERL*, makes as much sense as anyone can hope to make of the Ptolemaic taxation system.
6. Cf. V.in above and its n.26 below; and Appendix IV § 2 *ad fin.* The words *τοῖς τράμασι τοῖς ἐλευθέροις* seem reasonably certain. Those of them who have to pay the poll-tax are defined only as *ἡ δὲ ἡμετέρα ὁμοῦ λαοκρατία*.
7. See Jones, *RE* 82-9, 'Over-taxation and the decline of the Roman Empire'; and *LRE* I.411-69 (esp. 462-9). And cf. Section vi of this chapter and its n.7, also VIII.iii-iv above.
8. See, for 428, Thuc. III.16.1; for 406, Xen., *HC* I.v.24; for 376, *HG* V.iv.61. For 362, see Ps.-Dem. L.6-7, 16. After that, see Isocr. VIII.48 (delivered c. 355); Dem. IV.36 (delivered 351 or just after); III.4 (referring to late 352); Aeschin. II.133 (referring to 346); perhaps Tod II.167.59-63 (346, but it is not certain that conscription was involved here). Contrast passages referring to the years before 362, e.g. Thuc. VI.31.3; Lys. XXI.10; Dem. XXI.154.5.

## [IV.ii]

1. There is a corresponding American volume: *Peasant Society: A Reader*, ed. J. M. Potter, M. N. Diaz and G. M. Foster (Boston, 1967).
2. The paper was originally printed in the Proceedings, *Deuxième [1962] Conférence internat. d'hist. écon.* (Paris, 1965) II.287-300. See also Thonier's article, 'Peasantry', in *International Encyclopedia of the Social Sciences* 11 (1968) 503-11.
3. See *The Complete Letters of Vincent van Gogh* (3 vols, London, 1958) II.370 (Letter 404).
4. *The Complete Letters* (see the preceding note) II.375 (Letter 406); cf. 367, 372, 384 (Letters 402, 405, 410).
5. Cf. Hilton, *EPLMA* 16, quoted in the main text of VII.i above, just after its n.7.
6. See e.g. Rostovtzeff, *SEHWW* I.284-7, 427 with 482-9 (esp. 487-9) and 497-501; contrast II.645-8, 727-9, 890-1.
7. There are bibliographies in the articles on *emphyteusis* by Barry Nicholas, in *OCD*<sup>2</sup> 382-3, and Berger, *EDRL* 452; and see Kaser, *RP* II<sup>2</sup> (1975) 308-12. But for the historian, as distinct from the Roman lawyer, the most useful account I know is that of Jones, *LRE* I.417-19; II.788-9, 791.
8. And see the reference to the article by Bottéro in III.iv n.76 above.
9. Among many accounts of the practice, see e.g. Rostovtzeff, *SEHWW* II.898-9 (with III.1549 n.179); also I.291, 339, 411 (with III.1419 n.208); II.647; *SEHRE*<sup>2</sup> I.274, 298 (with II.677 n.52), 405-6 (with II.712-13 n.15); 409; Préaux, *ERL* 492-3, 500-3, 508-9, 511, 519-20, 544; MacMullen, *RSR* 34 (with 158 n.24). The practice can be traced far back into the Pharaonic period: see Georges Posener, 'L'asservissement dans l'Égypte pharaonique', in *Le Monde Grec. Hommages à Claire Préaux* (Brussels, 1975) 663-9. The term *ἐκχώρησις* is also used, more in the sense of 'migration' to another district.
10. I know of (A) only one collection which has texts of all four of these inscriptions in a single volume: A/J (in the order in which they appear in the main text above) nos. 111, 141, 139, 142; and of (B) only one book containing English translations of all four: Lewis and Reinhold, *RC* II (in the same order) 183-4, 453-4, 439-40, 452-3. Among similar inscriptions which I cannot take time to discuss is A/J 143 (= Keil and Premerstein, *op. cit.* in n.14 below, pp.24-9, no.28), from Mendecchora in the territory of Philadelphia in Lydia, of the early third century (probably 198-211).
11. Cf. n.10 above. This inscription (A/J 141) is also *FIRA*<sup>2</sup> I.495-8 no.103 = *CIL* VIII (ii) 10570 and (Suppl.) 14464. There are other English translations, e.g. *ARS* 219-20 no.265. For other evidence relating to imperial estates in Africa, see the works cited by Millar, *ERW* 179 n.20.
12. Cf. n.10 above. The text in *ESAR* IV.639-61 reproduces the best one: that of Rostovtzeff.

- SEHRE<sup>2</sup> II.741-2 n.26. This inscription (A/J 141) is also *OGIS* 519 = *IGRR* IV.598 = *CIL* III (Suppl. 2) 14191; cf. *FIRA*<sup>2</sup> I.509-10 no. 107.
13. Cf. n.10 above. This inscription (A/J 139) is also *SIG*<sup>2</sup> 888 = *IGRR* I.674 = *CIL* III (Suppl. 2) 12336; cf. *FIRA*<sup>2</sup> I.507-9 no. 106.
14. Cf. n.10 above: the inscription is A/J 142. The original publication was by Josef Keil and A. von Premerstein, 'Bericht über eine dritte Reise in Lydien . . .', in *Denkschr. der Kais. Akad. der Wiss. in Wien, Philos.-hist. Klasse* 57.1 (1914) 37-47 no.55. See also Magic, *RRAM* I.678-81, with II.1547-9 nn.34-5.
15. *Penuria* always means 'scarcity' rather than 'poverty', at any rate in Classical Latin: see the new *Oxford Latin Dictionary*, fasc. VI (1977) 1526. The nearest parallel I know to Pliny, *Ep.* III.19.7 is Cic., *II Verr.* III.125-8, where the *aratorum penuria* which occurs four times in §§ 126-7 certainly means 'scarcity': cf. 'incolomis numeris manebat dominorum atque aratorum' and 'nunc autem ne . . . quisquam reperiret qui sine voluntate araret, pauci essent reliqui' in § 125; the emphasis on 'reliquis aratoribus' in § 126; and 'reliquis aratoribus colligit' in § 128.
16. John Percival's main article is 'Seigneurial aspects of Late Roman estate management', in *Eng. Hist. Rev.* 84 (1969) 449-73. See also 'P. Ital. 3 and Roman estate management', in *Hommages à Marcel Renard II* (= *Coll. Latomus* 102, Brussels, 1969) 607-15. One of the few mediaevalists to take a real interest in this problem is P. J. Jones; see his valuable 'L'Italia agraria nell'alto medioevo: problemi di cronologia e di continuità', in *Settimane di studio del Centro italiano di studi sull'alto medioevo*, XIII, *Agricoltura e mondo rurale in Occidente nell'alto medioevo* (Spoleto, 1966) 57-92, at 83-4; and the discussion with Vercauteren, *ibid.* 227-9.
17. For example, Colum., *RR* LVII.1 ('avarus opus exigit quam pensiones'), on the interpretation of which I agree with M. I. Finley, *Studies in Roman Property* (1976) 119-20.
18. The inscriptions are: (1) *FIRA*<sup>2</sup> I.484-90 no. 100 = A/J 74 = *CIL* VIII (Suppl. 4) 25902 (Henchir Mettich, Villa Magna Variata, Mappalia Siga), of A.D. 116-17; (2) *FIRA*<sup>2</sup> I.495-8 no. 103 = A/J 111 = *ILS* 6870 = *CIL* VIII (ii) 10570 + (Suppl. 1) 14464 (Souk el-Khmis, Saltus Burunitanus), of A.D. 180-3 (on which see also n.11 above); (3) *CIL* VIII (Suppl. 1) 14428 A (Casr-Mezuar), of A.D. 181. The 12 days in the third inscription may conceivably be something imposed on the *coloni*, about which they are complaining, rather than a legitimate exaction. I have no occasion here to comment on the two other inscriptions, which, with the three I have just cited, make up an important group of five: they are (4) *FIRA*<sup>2</sup> I.490-2 no. 101 = A/J 93 = *CIL* VIII (Suppl. 4) 25943 (Ain el-Jemala, Saltus Blandianus et Udensis), of A.D. 117-38; (5) *FIRA*<sup>2</sup> I.493-5 no. 102 = *CIL* VIII (Suppl. 4) 26416 (Ain Wassel, same Saltus), of A.D. 198-212: both refer (like no. 1) to 'tertias partes fructuum', no. 4 (like no. 1) to the Lex Manciana, and no. 5 (like no. 2) to the Lex Hadriana. For nos. 1, 2, 4 and 5, see R. M. Haywood, in Frank, *ESAR* IV.89-101 (texts, Eng. trans. and comm.); and for further English translations (apart from those mentioned in nn.10-11 above) see *ARS* 221 no.268 (my no.5); Lewis and Reinhold, *RC* II.179-83 (my nos.1 and 4-5).
19. There is a possible example in Horace's Sabine *agellus* — if indeed we can take literally his *Epist.* LXIV.1-3, with *Sat.* II.vii.117-18 (cf. his *Od.* III.xvi.29-30). See Heitland, *Agricola* 215-17, 235, and Percival's first article cited in n.16 above, p.451 and n.1 (with a ref. to Fustel de Coulanges).
20. This of course has often been realised. I cannot begin to give a bibliography, which, if it was to be really useful, would need to specify individual contributions to some collective works which are of very unequal value, such as the two volumes edited by M. I. Finley, *Stud. in Roman Property* (1976) and *Problèmes de la terre en Grèce antique* (= *Civilisations et Sociétés* 33, Paris, 1973). Although it may seem invidious to single out a few particular works, I should like to mention V. N. Andreyev, 'Some aspects of agrarian conditions in Attica in the fifth to third centuries B.C.', in *Eirene* 12 (1974) 3-46, which summarises, with some corrections and supplements, the contents of eight earlier papers published by Andreyev between 1958 and 1972 and listed in its n.1; and a series of four articles by R. T. Pritchard on agrarian matters in Sicily in the first century B.C., in *Historia* 18 (1969) 545-56; 19 (1970) 352-68; 20 (1971) 224-38; and 21 (1972) 646-60. In *Antiquités grecques* I (1967) there are two particularly useful articles dealing almost entirely with north Africa: Henriette d'Escure-Dorcy, 'Notes sur le phénomène associatif dans le monde paysan à l'époque du Haut-Empire' (59-71), and Claude Lepelley, 'Déclin ou stabilité de l'agriculture africaine au Bas-Empire? À propos d'une loi de l'empereur Honorius [*CTH* XI.xxviii.13]' (135-44).
21. The most important passage is one of 200 pages in *Cap.* III.614-813 (Part VI, ch. xxxvii-xlvii = *MEW* XXV.627-821); cf. *TSP* II.15-160, 161-3, 236-372; III.399-405, 472, 515-16 etc.;

- MECW* III.259-70 (the *Econ. and Philos. MSS.*), 427-30; VI.197-206.
22. This famine is sometimes thought to be the famous one in Rev. VI.6, where the prices given work out at about 8 denarii/drachmae for one modius (one sixth of a medimnos) of wheat or three of barley. See e.g. Magic, *RRAM* I.581, with II.1443-4 nn.38-9; Rostovtzeff, *SEHRE*<sup>2</sup> II.599-600 (part of the very useful n.9 on food-supply and famines).
23. I know of no entirely satisfactory and complete account of the famine of 362-3; but see Downey, *HAS* 383-4, 386-91, and 'The economic crisis at Antioch under Julian', in *Studies in Roman Economic and Social History in Honor of A. C. Johnson*, ed. P. R. Coleman-Norton (Princeton, 1951) 312-21; Paul Petit, *LVMA* 109-18; P. de Jonge, 'Scarcity of corn and cornprices in Ammianus Marcellinus', in *Mnem.* 1 (1948) 238-45.
24. Soz., *HE* III.xvi.15; cf. Pallad., *Hist. Lat.* 60, ed. C. Butler (1904) p.126. That the shortage of food was due largely to the greed of the rich men of Edessa does not emerge at all in the treatment of this incident by Peter Brown, 'The rise and function of the Holy Man in Late Antiquity', in *JRS* 61 (1971) 80-101, at 92: he is interested only in the fact that (as he puts it) 'It was as a "stranger" that Ephraim was able to administer food supplies in Edessa during a famine, for none of the locals could trust one another'. That is not how our sources put it (inadequate as they are): they speak of mutual distrust not on the part of 'the locals' but specifically of 'the rich'; and the very lame excuse they give (meekly accepted by Brown) is that of the same rich folk! In a footnote (143) on the same page Brown alludes to the famine at Aspendus, mentioned by Philostratus, *Vita Apollon.* I.15 (see I.iii above), and again he is interested only in the fact that 'Apollonius of Tyana did the same [as Ephraim], and, also, as a total "stranger"', "dissociated" by the Pythagorean vow of silence'. This is characteristically subtle, but again it conceals by far the most important fact: that it was *oi dunatoi* who had got possession of the corn. (They are clearly the rich landowners, for they have hidden away the corn on their country estates, even if Apollonius' written message to them addresses them as *στεινὰ πηλοι* — surely a deliberate slight.)
25. This date has been proposed by J. R. Palanque, 'Famines à Rome à la fin du IV<sup>e</sup> siècle', in *REA* 33 (1931) 346-56; cf. Chastagnol, *FPRBE* 198.
26. I accept the chronology of Palanque (see the preceding note) and Chastagnol, *FPRBE* 223, against Seeck's dating of Symm., *Ep.* II.7 to 383 (see Seeck's *Introd.*, pp.cix-cxx and n.601, to his edition of Symm. in *MGH. Auct. Antiquis.* VI.1, 1883). Against some interpretations suggested by De Robertis and Ruggini (equally unacceptable to me), see Edgar Faure, 'Saint Ambroise et l'expulsion des pèlerins de Rome', in *Études d'hist. du droit canonique dédiées à Gabriel Le Bras* (Paris, 1965) I.523-40, esp. 526, 536, 536-9.
27. Cf. Liban., *Orat.* I.226 ff., X.25. See Norman, *LA* 213-14 (on *Orat.* I.225 ff.); Downey, *HAS* 420-1. Guards stationed at the city gates prevented the peasant (*ῥὸν γεωργόν*) from taking out more than two loaves (Liban., *Orat.* XXVII.14; cf. I.29).
28. The standard edition of Josima, by the best Syriac scholar of his day, W. Wright (Cambridge, 1882), has an English translation.
29. For the severe famine in 538 in much of north and central Italy, from Venetia and Aemilia to Tuscia and Picenum, see esp. Procop., *Bell.* VI (*Goth.* II) xx.15-33: he was an eye-witness in Picenum (§ 22), and he speaks of reports of many tens of thousands dying of starvation.
30. Cf. Procop., *Bell.* VII (*Goth.* III) xvi.1 ff., esp. 9-19; xix.13-14; xx.1, 26. On corn prices in this period, see Stein, *HBE* II.582-3 n.1.
31. See the edition by H. Delehaye, *Les Saints Stylites* (= *Subsidia Hagiographica* 14, Brussels/Paris, 1923, repr. 1962) 195-237, at 201-2.
32. For some other terms for 'village', see A/J p.22; Broughton, in *ESAR* IV.628-9.
33. See H. Swoboda, *κώμη*, in *RE* Suppl. IV (1924) 950-76; Jones, *GCAJ* 272-4, 286-7; and see 391, Index, *s.v.*; *CERP*<sup>2</sup> 137-46, 281-94; and see 595, Index, *s.v.* (add e.g. 67-8, 80, 233); *LRE* III.447, Index, *s.v.*; G. M. Harper, 'Village administration in the Roman province of Syria', in *YCS* 1 (1928) 103-68; Broughton, in *ESAR* IV.628-47, 671-2, 737-9; and see 950, Index, *s.v.*; Rostovtzeff, *SEHRE* III.1747, Index, *s.v.*; *SEHRE*<sup>2</sup> II.821, Index, *s.v.* (esp. 656-7 nn.6-7, 661-6 nn.23-35); Magic, *RRAM* II.1660, Index, *s.v.* (esp. I.143-6, with II.1022-32 nn.69-77, and the passages cited in n.34 above; also I.64, with II.862-3 n.41). Some impressive recent books in French, by Tobalenko and others, have given us much valuable information about villages in Roman Syria: see n.50 to Section III of this chapter; and cf. Liebeschuetz, *Ant.* 68-73.
34. This is a subject which would surely repay detailed investigation. I have seen no illuminating reference to it other than the one quoted in the main text above. Of course, by the fifth and

- sixth centuries village life had apparently developed along ever more hierarchical lines, as in the cities; but evidence seems almost non-existent, except for Egypt.
35. See e.g. the works cited in n.33 above, esp. Jones, *GCAJ* 272-4 (with 364 n.18); *CERP* 284-7; also 'The urbanisation of the Ituraean principality', in *JRS* 21 (1931) 265-75, esp. 270; Harper, *op. cit.* (in n.33 above) 142-3 (against 143-5, see Jones, *CERP* 286-7). The *ὄχλος* as the Assembly of the village is certain in *IGRR* III.1192 = *LB/W* 2136 (not 2138, as in *IGRR*), from Saccusa in Syria (later Maximianopolis, from c. 300; see Jones, *CERP* 285, with 465 n.82), where we have *ὄχλος* *πατριάρχου* *τῆς πόλεως* *τοῦ βασιλέως*. In some villages of Asia Minor, e.g. in the territories of Cibyra and Ormela, we find inscriptions in which so-and-so gives a donation 'in honour of the *ὄχλος*' (usually *ἐπίταξεν τῷ ὄχλῳ*); see e.g. *CIG* III.4367a; and E. J. S. Sterrett, 'An epigraphical journey [1883-4] in Asia Minor', in *Papers of the Amer. School of Class. Stud. at Athens* 2 (1888) nos. 47-50 (= *IGRR* IV.892), 72-5. But I have not noticed anything in these inscriptions which justifies inferring the existence of an actual Assembly called the *ὄχλος*. A few villages are recorded as having an *ἐκκλησία* (contra Jones, *RE* 31-2), e.g. Castollus near Philadelphia (*OGIS* 488); the Panamareis, a federation of villages in Caria (Michel, *RIG* 479); and Orcistus, on the borders of Asia and Galatia, which had an *ἐκκλησία*... *πάνδημος* (see W. H. Buckler, in *JHS* 57 [1937] i-10, esp. 9 on B.3; and cf. Jones, *CERP* 67-8 and 392 n.63).
  36. See Jones, *CERP* 286-7; *RE* 32; and pp.272-3 of his article (of 1931) cited in the preceding note.
  37. E.g. at Orcistus and Castollus: see *IGRR* IV.550; *OGIS* 488.
  38. On *αὐτοπαγία* see Stein, *HBE* I.1 246, 278-9 (with n.563-4 n.135); Bell, *EAGAC* 119-25; Gelzer, *SBVA* 89-96, and in *Archiv f. Pap.* 5 (1913) 188-9, 370-7; Rouillard, *ACEB* 13-15, 58-60, 202-3; Hardy, *LEBE* 54-9. Virtually all the evidence comes from Egypt; but *CTh* XI.vii.12 (A.D. 383, the earliest piece of evidence I know for the existence of what was later called *autopragia*) is addressed to the vicar of the Pontic diocese; and XI.vii.15 (which must surely be understood in the light of XI.xxi.4) is addressed to Messala, who in 399-400 was praetorian prefect of Italy (including of course Africa and Pannonia: see esp. I.v.12). *Autopragia* and its cognates do not seem to appear before the fifth century; but see *IG IX.2* 137, line 20, for the use of *αὐτοπαγία* in the second century B.C., at Calydon in Aetolia, apparently for the right of personally exacting a fine.
  39. Our information about Aphrodito comes from a large group of papyri which have found their way to Cairo, London, Florence, Geneva and Ghent: see esp. R. G. Salomon, 'A papyrus from Constantinople (Hamburg Inv. No. 410)', in *JEA* 34 (1948) 98-108. Aphrodito was fortunate in that Dioscorus (mentioned later in the main text above) was prepared to busy himself on behalf of the village and even to journey to Constantinople to solicit help from highly-placed bureaucrats there. The village had obtained its *autopragia* status in the third quarter of the fifth century, in the reign of Leo I, 457-74 (*P. Cairo Masp.* 1.67017, lines 1-6), but it constantly suffered arbitrary treatment at the hands of successive pagarchs of Antacopolis, and in order to gain imperial protection it had had itself enrolled as part of the household (*οἶκος*, *οἰκία*) of Justinian's wife, the Empress Theodora (*ibid.*, lines 11-12; cf. *ibid.* 67283), whose household at her death in 548 was amalgamated with the other part of the imperial ('sacred', or 'most sacred') household, that of the emperor himself (see Salomon, *op. cit.* 102 n.6). For the troubles of Aphrodito in c. 548-51, see Bell, *EVAJ*; Salomon, *op. cit.*; and the summary in Jones, *LRE* I.407-8. On Aphrodito see also Hardy, *LEBE* 55, 57-8, 137-8, 146-7. The most important documents are *P. Cairo Masp.* 1.67002 (part of which is given in the main text above), 67029, 67024; *P. Hamb. Inv.* no. 410 (of which Salomon gives a text), and *P. Genev. Inv.* no. 210 (see Salomon, *op. cit.* 98 and nn.1-2). Among other relevant papyri from Aphrodito are *P. Cairo Masp.* 1.67283; *P. Lond.* V.1674, 1677, 1679. On pagarchs, see W. Liebeschuetz, 'The pagarch: city and imperial administration in Byzantine Egypt', in *JJP* 18 (1974) 163-8; 'The origin of the office of the pagarch', in *Byz. Zschr.* 66 (1973) 38-46.
  40. For Dioscorus, see esp. J. Maspero, 'Un dernier poète grec d'Égypte: Dioscore, fils d'Apollôn', in *REG* 24 (1911) 426-81.
  41. As I. F. Fikhtman points out, 'In the papyri of Byzantine Oxyrhynchus "doulos" was used almost exclusively by people of free status for themselves when addressing people of higher standing and very seldom about slaves' ('Slaves in Byzantine Oxyrhynchus', in *Akten des XIII [1971] Internat. Papyrologenkongr.*, ed. E. Kiessling and H.-A. Rapprecht [1974] 117-24, at 119).
  42. I have given the essential bibliography in my *SVP* 45 n.2. Add now the edition of Libani., *Orat.* XLVII, with an excellent Eng. trans., by A. F. Norman, in the Loeb Libanius Vol. II (1977); and two works by Louis Harmand, of which full details are given in n.50 to Section iii

of this chapter: the very full edition of the same speech, with text, French trans. and comm., Libanius, *Discours sur les patronages* (1955), and *Le patronat sur les collectivités publiques des origines au Bas-Empire* (Paris, 1957), esp. 421-87 on the Later Empire. A totally different picture from mine of the role of rural patronage in Syria in the Later Empire can be found in Peter Brown's article on the 'Holy Man' (see n.24 above), at 85-7. Brown, who has never grasped the realities of the class struggle in the ancient world, can see only the good side of patronage, and his bland account of that institution gives only a fraction of the real picture, in spite of those flashes of insight which Brown shows intermittently, as always. Of course it was an advantage for villagers to have someone to arbitrate in their disputes among themselves, especially since legal process in the Roman world was so unsatisfactory and open to abuse. But that was not what was mainly expected of the patrons I have referred to: they were brought in by the peasants to protect them against oppression, in particular by landlords and tax-collectors, and of course the patrons always exacted a price for services of that sort (see *CTh* XI.xxiv.2; *CJ* XI.11.1, pr., 2, pr.), and probably often a heavy one. Even the story of how the 'holy man' Abraham became patron of a village (apparently near Emesa) looks rather different when we discover that Brown's 'when the tax collector came' stands for Theodoret's 'now *phylakes* arrived, who compelled them [the villagers] to pay their taxes and began to imprison some and maltreat others' (*Hist. relig.* 17, in *MPG* LXXXII.1421A).

43. See the Eng. trans. by Elizabeth Dawes and N. H. Baynes, *Three Byzantine Saints* (1948) 139-40 (ch.76). The standard edition of the life (or Lives) of St. Theodore is now A. J. Festugière, *Vie de Théodore de Sykéon* (= *Subsidia Hagiographica* 48, 2 vols, Brussels, 1970); see esp. I.63-4; II.66-7. And see Derek Baker, 'Theodore of Sykeon and the historians', in *SCH* 13 (1976) 83-96.
44. The passage translated by Stevens is from John Chrysostom, *Hom. in Matth.* 61.3 (*MPG* LVIII.591-2); cf. *Expos. in Psalm.* 48.17, esp. § 8 (*MPG* LV.510-12). *Hom. in Act. Apost.* 18.4-5 (*MPG* LX.147-50) is interesting in its belief that building a church on an estate will help to keep the peasants quiet.

## [IV.iii]

1. For slave prices at Athens in the Classical period, see first W. K. Pritchett, 'The Attic stelai, Part II', in *Hesp.* 25 (1936) 178 ff., at 276-81, esp. 276-8. (The reader should beware the extraordinary error on p.281, where two rich Athenian citizens, Menecles and Stratocles, in Isae. II [*Menel.*] 29, 35, and XI [*Hagn.*] 42, who owned property to the value of 7,000 dr and 5½ talents respectively, are taken to be slaves, entirely without justification.) See also, for slave prices, Jones, *SCA*, in *SAS* (ed. Finley) 1-15, esp. 5 & 7 (fifth/fourth-century Athens); 7, 9-10, 13 (Roman world, Republic to Late Empire); *LRE* II.852 (with III.286 n.68); De Martino, *SCR* IV.1 (1974) 26 nn.66-7, 339-40 n.6; Westermann, *SSGRA* 14-15, 36, 71-2, 100-1; Duncan-Jones, *EREQS* (concerned almost entirely with the West) 11-12, 40, 50, 243-4, and esp. 348-50. Recently Duncan-Jones has made a bold attempt to estimate the cost of slaves in terms of wheat values in seven separate contexts over a period of some 1,500 years, from the late fifth century B.C. onwards: see his 'Two possible indices of the purchasing power of money in Greek and Roman antiquity', in the proceedings of a conference at the French School in Rome in November 1975, published as *Les 'Dévaluations' à Rome: Époque républicaine et impériale* (*Coll. de l'École française de Rome* 37, Rome, 1978) 159-68, at 162-6, 168. The Edict of Diocletian on maximum prices, of 301, is the only document I know from the whole of antiquity that gives both prices for slaves and the wages of various different workers. (For recent editions of that Edict, see I.iii n.3 above.) Its prices in denarii (now much depreciated, of course) for ordinary slaves aged 16-40 are 30,000 for a male and 25,000 for a female; the wage of an unskilled farm worker is 25 denarii per day 'with food' (*pastrum*) — an addition which cannot be fixed precisely, but to which Duncan-Jones (*ibid.* 161) plausibly allots a 'wheat value' of an additional third, or about another 1.1 litres, making with the 3.3 litres 'wheat value' of the 25 denarii a total of 4.4 litres. The 'wheat value' of the slave price of 30,000 denarii is given by Duncan-Jones (*loc. cit.*) as 3,938 litres, or 895 times the total daily wage — I would call it three full years' pay.

I am not entirely happy about the prices of slaves in the legal sources, from Gaius to the *Corpus Iuris Civilis* of Justinian. Duncan-Jones (*EREQS* 50 n.2, 348-9) accepts a standard figure

of HS 2,000 as the price of slaves for 'legal purposes'. There is one very good piece of evidence for this, which (unfortunately for my purposes in this book) comes from Africa Proconsularis: *CIL* VIII (Suppl. 4) 23956, a fragmentary inscription dated A.D. 186, from Henchir Suobheur, where a slave 'ex forma censoria' seems to be valued at 500 denarii (line 14), which of course is HS 2,000. (Cf. A. H. M. Jones, *SAW*, in *SCA*, ed. Finley, 10, for a range of actual prices during the Principate indicating that 'a normal price for an unskilled adult' was about 500-600 denarii.) Apart from the one inscription I have quoted, however, the figure of HS 2,000 as the 'legal value' of a slave depends on some slave prices or valuations in aurei or solidi in Justinian's *Corpus*, with the aureus and solidus assumed to be equivalent to HS 100: these are either 20 aurei (*Dig.* IV. iv. 31, Papinian; V. ii. 8. 17, Ulpian; V. ii. 9, Paulus cited by Modestinus, but interpolated; *CJ* VII. iv. 2, perhaps Caracalla) or 20 solidi (*Dig.* XL. iv. 47. pr., Papinian; *CJ* VI. 4. pr., of 317; and VII. vi. 1. 5, of 530, with VI. xliii. 3. 1, of 531, where the figures vary between 10 and 70 solidi, 20 being the basic one). Now it is true that from the time of Julius Caesar onwards the aureus was always regarded as equivalent to 25 denarii, or HS 100, and that this continued to be the official ratio at least until the time of Dio Cassius (see T. V. Buttrey, 'Dio, Zonaras and the value of the Roman aureus', in *JRS* 51 [1961] 40-5) - although by Dio's time there must have been a black market in aurei, as Jones has pointed out (*RE* 195); and in the disastrous half-century (235-284) between the end of the Severan dynasty and the accession of Diocletian there can hardly have been any realistic ratio. (It may be useful at this point to recall that under Augustus the pound of gold made up 42 aurei, under Nero 45, under Caracalla about 50, and under succeeding emperors even more; under Diocletian it was at first 70; at the time of the Price Edict the figure was 60, and the theoretical value of the aureus was therefore 1,200 depreciated denarii - 1/60th of 72,000; see *Lii* n. 3 above. From Constantine onwards the solidus was struck at 72 to the pound.)

In the legal sources listed in the last paragraph the aureus has often (as by Mommsen and Duncan-Jones) been taken to represent HS 100, so that 20 aurei are HS 2,000. However, the article by Kübler published in 1900 (*SCRK* 566-79), which I have praised in § 13(c) of the main text of this section, seems to me to have modified this picture. I shall extract two relevant conclusions: (1) except in a particular case where the contrary can perhaps be proved, a figure given in Justinian's *Corpus* in aurei or solidi which replaces a sum expressed in sesterces in the Classical law-books must be taken to equate the aureus or solidus with HS 1,000, not 100; and (2) this, and examination of the few prices and valuations of slaves in sesterces which survive from the Classical lawyers, seem to justify the conclusion that the standard valuation of a slave in the legal writers was HS 10,000. Certainly *Inst.* J. III. vii. 3 explicitly equates the aureus (which had now, like the sesterce long ago, become a pure term of account) with HS 1,000, and this is borne out by four passages in that work which correspond closely with parallel passages in the *Institutes* of Gaius, dating from the mid-second century. Three of these (*Inst.* J. II. xx. 36; III. xix. 5; and III. xxvi. 8, derived respectively from *Gai.*, *Inst.* II. 235; III. 102; and III. 161) have nothing to do with slaves; but *Inst.* J. IV. vi. 33d substitutes 10 aurei for the HS 10,000 valuation of the slave in *Gai.*, *Inst.* IV. 53d, equating the aureus therefore with HS 1,000. The only certain slave prices I know which are left in sesterces in the *Digest* are the HS 10,000 and 5,000 in *XXI. 1. 57. 1* (Paulus), and - unless we should read 'mili' for 'milia' - the 'quinque milia' (HS, of course) in *X. iii. 25* (Julianus), which is represented as half the value of the slave at 'aurorum decem' earlier in the same passage. A post-Classical compilation, *Epit. Ulp.* II. 4 (*FIRA*<sup>2</sup> II. 266), deals with the manumission of a slave who pays for that privilege 'decem milia': that is to say, HS 10,000. It is worth noticing here that *Dig.* XXIX. v. 25. 2 (from Gaius) has a penalty of 100 aurei corresponding to one of HS 100,000 in Paulus, *Sent.* III. v. 12a; and that in two other texts in the *Digest* specifying penalties (*L. xvi. 88*, Celsus; *XXXII. 97*, Paulus) the curious phrase 'centiens (or 'centies') aurorum' must surely replace the familiar 'centies sesterrium' (HS 10 million) in the original texts. In very many passages in the *Digest* the valuation of a slave, or the price he has to pay for manumission, is given simply as 'decem', meaning undoubtedly 10 aurei (the noun sometimes appears); see e.g. *XL. vii*, where phrases such as 'si decem dederit, liber esto' occur in at least 26 different sections (cf. 'denos aureos' in 3. 13). Most of the legal texts containing slave prices or valuations may perhaps be expected to give exceptionally high figures, as they are normally dealing with slaves who are purchasing their freedom or are thought worthy of being freed by will, as in *Dig.* XL. vii, and (as throughout that particular title, which relates to *stuliberi*) the figures are often notional anyway. Only in a few prescriptive constitutions such as *CJ* VI. xliii. 3. 1; VII. vi. 1. 5 are we entitled to expect

completely realistic figures. I would add that the 'gold value' of an unskilled adult male slave works out according to the Edict of Diocletian at 1/10 lb. gold, a fraction under 301 Diocletianic aurei or exactly 30 Constantianian solidi.

- I have not found these inscriptions listed in full anywhere, and I will therefore give those I have been able to identify, including some which were published too late to be taken into account in Westermann's analysis, referred to in the main text above: *FD* III. i (1929) 565-72; ii (1909-13) 212-47; iii (1932-43) 1-60, 130-41, 174-6, 205-6, 208-11, 258, 262-96/7, 300-37, 339-41, 346-9, 351-8, 362-77, 385-441; iv (1930-76) 70-3, 78, 479-509; vi (1939) 5-58, 62-95, 97-110, 112-40/2; and cf. the selection in *SCDI* II. iii-v (1892-4) 1684-2342; vi (1899) 2343. Some of these refer to dates later than c. 53 B.C., where Westermann's analysis and mine end.
- See now Keith Hopkins, *Conquerors and Slaves, Sociological Studies in Roman History I* (1978) 133-71, published after this chapter was finished. His figures take account of rather more inscriptions than Westermann knew, but the results are not significantly different, for my purposes (see esp. 141 n. 15: Westermann's figures are 'very slightly different' from those of Hopkins).
- See my review of Westermann's book, in *CR* 71 = n.s. 7 (1957) 54-9, and the review by Brunt cited in III. iv n. 65 above. See also n. 5 below.
- I have not seen anything more recent on this question than G. Daux, *Delphes au II<sup>e</sup> et au I<sup>er</sup> siècle* (Paris, 1936) 490-6.
- The objections of Westermann, *SSGRA* 32 n. 53 can be disregarded. As so often in that book he has misinterpreted the text: it does not say that the men were actually enlisted, but only that they were demanded by Diocletian. That is not inconsistent with the actual total force of 14,000 infantry and 600 cavalry recorded by Paus. VII. xv. 7. Westermann actually believed that this passage (in Greek) is preserved in the Latin historian Orosius! - see *SSGRA* 32. (I think he must have misunderstood the heading in the Loeb edition of Polybius, Vol. VI, p. 423, which of course refers to ch. xiv. 3 only.)
- Livy, *Per.* 96-7; App., *BC* I. 117-20.
- Over 400,000, according to Vell. Pat. II. 47. 1. Plut., *Caes.* 15. 5, and App., *Celt.* 2, say that Caesar took a million prisoners.
- It will be sufficient to refer to Fogel and Engerman, *TC* I. 15-16, 20-2, 41-3, 89-94, and 245-6 ('Most U.S. cotton was consumed not in the U.S. but abroad' c. 1850). But Gavin Wright has shown that Fogel and Engerman have not made sufficient allowance for the effect of the world demand for cotton on the Southern economy c. 1820-50: see his chapter vii (pp. 302-36) in *Reckoning with Slavery*, by Paul A. David and others (1976).
- Hopkins adds that his 'upper limit of life expectancy is, however, tentative, in the sense that the determinants of the demographic revolution in Western Europe are even now only dimly understood. Nevertheless it seems to me that the burden of proof is firmly on those who wish to assert that the Roman population in general had a lower mortality than other pre-industrial populations with similar technical achievements or towns; they must show that there were present in the Roman empire factors which would have led to a general diminution of mortality' (*PASRP* 263-4). Brunt agrees with Hopkins that the Roman expectation of life must have been 'below 30 with infant mortality above 200 per 1,000'; but he is doubtful about Hopkins's lower limit for expectation of life of 20, as far as the free population of Republican Italy is concerned (*JM* 133). [And see now the article by Donald Engels cited at the end of II. vi n. 7 above.]
- The *θηττοί* are a difficult subject, and I shall mention only the good discussion of Pliny, *Ep.* X. lxx-lxxi, lxxii, by Sherwin-White, *LP* 650-1, 653-4, 659, which gives references to other recent work, including that of Cameron (1939).
- See briefly Jones, *LRE* II. 853, with the references in III. 286 n. 70 - although I think the Visigothic law is not dealing specially with infants who had been sold by their parents, as is e.g. *CJ* IV. xliii. 2.
- Leg. Visigoth.* IV. iv. 3 is ed. K. Zeumer, in *MGH, Leges* I. i (1902) 194. I can find no specific figure in earlier laws, such as the Constantinian *CTh* V. x. 1. pr. (*pretium quod potest valere exsolvat*); cf. *CJ* IV. xliii. 2. 1; *Leg. Visigoth.* IV. iv. 1-2.
- The subject is appallingly complicated: see Jones, *LRE* I. 30-1, 64-5, 448-9 ff., with the notes; also *RE* 8-9, 169-70 (esp. n. 96). For *immensus* and the *bus Italicum*, see also E. Kornemann, in *RE* IV. 1 (1900) 578-83; H. M. Last, in *CAH* XI. 450-1, 454-6.
- E. J. Joukers, *Economische en sociale verhoudingen in het Romeinse Rijk blijkende uit het Corpus Iuris*

- (Wageningen, 1933) 113 lists 152 legal texts referring to *partes ancillarum* or to *vernae*, and of these only four are said to be Republican or Augustan jurists: see Brunt, *IM* 707-8. Of the four cited by Brunt, only three certainly fulfil this specification: VII.i.68.pr.; IX.ii.9.pr.; XXIV.iii.66.3 (XLI.x.4.pr. seems to come from Neratius rather than Trebatius); but add XXIII.iii.18. See also Brunt, *IM* 143-4 (esp. 144 n.1). Perhaps I should add at this point that there seems to be little or no information about slave sex-ratios anywhere at any time in antiquity. (I do not regard the relative frequency of manumissions as informative on this question.) As I say in the main text above, § 10, Cato never mentions female slaves, apart from the *vilica*, and I may add that much the same is true of Varro, who, apart from the passages cited in the main text above (between nn. 14 and 15), refers to female slaves (I think) only in *RR* I.xviii.1.3 (the *vilica*), and in II.x.2, where he makes Cossinius remark that 'in fundis non modo pueri sed etiam puellae pascunt'. In Columella, on the other hand, female slaves often appear, and he too can find employment not only for slave boys (II.ii.13; IV.xxvii.6; XI.ii.44) but for children of both sexes (XII.iv.3) and for an *anus solida vel puer* (VIII.ii.7). M. I. Finley may be right in advocating that one should 'avoid inferences' from changes in the practices or institutions reflected in Cato, Varro and Columella, or in *Digest* excerpts from Severan as compared with Republican or early Imperial jurists; and he does admit that the differences between them 'may reflect institutional changes'. But he exaggerates absurdly in saying that 'the presumption is too strong that nothing more than "literary history" lies behind them' (*SRP* 4, my italics; cf. 104). There is no such 'presumption'. The examples I have used are not the basis for 'inferences', but they do provide corroborative evidence.
- 14a. After this chapter was finished I saw the interesting article by David Daube, 'Fashions and idiosyncrasies in the exposition of the Roman law of property', in *Theories of Property*, ed. A. Parel and T. Flanagan (Waterloo, Ont., Canada, 1979) 35-50, at 35-7, discussing the rule that a Roman usufructuary did not acquire a right to a slave woman's offspring, which was not considered to be *fructus*.
  15. The word *uxor* was applied by the leading Antonine jurist, Q. Cervidius Scaevola, to what was surely the consort of a slave *actor*, *Dig.* XXXIII.vii.20.4; and it is similarly used in Paul, *Sent.* III.vi.38; contrast II.xix.6; Ulp., *Reg.* V.5. See also Constantine's law, *CTh* II.xxv.1.pr. And as Paulus put it, in *Dig.* XXXVIII.x.10.5, the technical terms of *cognatio* (such as *parentes*, *filii*, *fratres*) were sometimes used in relation to slaves, although *serviles cognationes* were not legally recognised (*sed ad leges serviles cognationes non pertinent*).
  16. Gelasius fr. 28, in *Epist. Roman. Pontif. genuin.*, ed. Andreas Thiel (1867-8) 499-500.
  17. Pelagius I, *Ep.* 84, ed. P. M. Gassó and C. M. Batlle, *Pelagii I Papae Epist. quae supersunt* (Montserrat, 1956) 205-6.
  18. M. I. Finley, *AE* 83 ff., seems to me to misunderstand Weber's position. In an attempt to explain the 'decline' of slavery, on which I have commented in VIII.1 above, he asks, 'What happened, and why? . . . What motivated the upper classes, in particular the owners of large estates, to change over from slave gangs to tied tenants?' The only explanation he mentions, before producing his own, is one that he calls - without attributing it to anyone in particular - 'a simple cost-accounting explanation': that after the great age of Roman conquest was over, insufficient new slaves were brought on to the market to replace the stock. By far the best treatment of the problem on these lines that I can think of is Weber's, in the essay which I have just outlined in the main text above. Finley unjustly depreciates this, accusing Weber (with other writers) of asserting 'that slave labour is inefficient, at least in agriculture, and ultimately unprofitable' (*AE* 83, with 195 n.64) - which in fact Weber does not do in any work that I have read, and certainly not in the passage referred to in Finley's note. Allowing 'an obvious element of truth' in the interpretation he is criticising, Finley attacks it with three arguments, none of which has any real force, since (1) much more evidence is needed than from one single estate (*AE* 196 n.74); (2) no assumption about the unsatisfactory character of Germans as slaves is necessarily involved, or usually made; nor (3) is there any necessary 'assumption that a reduction in the supply of captive or imported slaves cannot be met by breeding' - the correct assumption is only that breeding is *more costly* to slave owners in general than the mass appropriation of captives or the purchase at very cheap rates of slaves produced outside the economy (cf. the main text of this section).
  19. See Pliny, *Ep.* V.xiv.8; VII.xxx.3; VIII.ii.1-8; IX.xvi.1; xx.2; xxxvi.6; xxxvii.1-3; X.viii.5-6. It may be convenient if I list here other passages in Pliny's letters concerning his (and others') estates. The most important is III.xix.1-3, 4, 5-7, 8; see also I.xx.16; xxiv.1-4; II.iv.3;

- xv.1-2; V.vi. e.g. 2-4, 9-12; VI.iii.1-2; VII.xi.1, 5-7; xiv.1-2; VIII.xv.1-2. It appears from X.viii.5 that Pliny derived an annual income of more than HS 400,000 from his estates at Tiferrum/Tiberinum, all of which were apparently let to tenants. I may add that I am not impressed by the opinion of M. I. Finley that there is 'no significant managerial difference, for absentees, between tenancies and slave-operated estates under *vilici*' (*SRP* 117). Of the letters of Pliny to which he appeals, X.viii.5-8 refers to some new lettings (doubtless after 5 years) and the possibility of a reduction in rents due to an exceptional series of bad harvests: in IX.xxxvii.3, again, new leases are necessary (for the usual 5 years, § 2); and in III.xix.2 Pliny is simply asking for a friend's advice whether he should buy an adjoining estate. Caecina, when he 'tradones a colonia accepit', was making the round of his estates (Cic., *Pro Caec.* 94). That tenancies were indeed regarded as involving less supervision is perfectly clear in Col., *RR* I.vii.5-7. And see the combination of the main text above.
20. See e.g. Xen., *Oecon.* XII.20; XXI.9-11; Colum., *RR* I.praef.12-15, 20 etc.; I.vii.3-5, 6; X.praef.8-10; Pliny, *NH* XVIII.33 (Mago), 43.
  21. A very early passage I have not seen quoted in this connection is Terence, *Adelph.* 949 (produced 160 B.C.), where Demea reminds Micio that he has a little farm near the city which he is in the habit of renting out (*agellum hic sub iure quodam quod locitas foras*); Micio only seems surprised at hearing it called a 'little' farm (*quodiam id animum?*). Even if this comes directly from the original by Menander, the use of the frequentative verb, *locito* (which I have not encountered elsewhere), surely suggests that Romans in the mid-second century B.C. were used to regular farm-lettings.
  22. Wilkes, *Dulwinia* 234-6, 392; cf. 149, 197, 243, 276, 280-1; Géza Alföldy, *Noricum* 190-3 (esp. Table 6 on p. 191), cf. 128-32.
  23. K. D. White, 'Latifundia', in *BICS* 14 (1967) 62-79 is right in saying that the term *latifundia* is 'post-Augustan, and virtually limited to a narrow period, that of Pliny the Elder, Petronius and Seneca', although he missed the earliest passage, in Valerius Maximus, which I have quoted in the main text above. He gives a most useful collection of early source material referring to large estates.
  24. See *Corp. Agrimen. Rom.*, ed. C. Thoma (Leipzig, 1913) I.i.45, lines 16-22, replacing the older work, *Die Schriften der röm. Feldmesser* I, ed. F. Blume, K. Lachmann and A. Rudorff (Berlin, 1848) 84-5. Cf. the much-quoted statement of the Elder Pliny (*NH* XVIII.35) that Nero executed six landowners who 'possessed half of Africa', and whose holdings would have been confiscated and become imperial property.
  25. I am very dissatisfied with A. E. R. Boak, *Manpower Shortage and the Fall of the Roman Empire in the West* (Ann Arbor, 1955), for the reasons set out in my review, in *Population Studies* 10 (1956) 118-20; cf. M. I. Finley's review-discussion of the same book in *JRS* 48 (1958) 156-64.
  26. See A. M. Honoré, 'The Severan lawyers: a preliminary survey', in *SDHI* 28 (1962) 162-232, at 212-13.
  - 26a. After the main text of this book was in page proof, I received from Tony Honoré an opinion which is of course far weightier than mine and indeed on such a matter is the most authoritative I could obtain. He believes that the words 'sine praediis quibus adhaerent' are undoubtedly an interpolation by the compiler of this part of the *Digest*, whom he identifies as Tribonian (see Honoré, *Tribonian* 261). Bequests of *inquilini* (or *coloni*) were of course void in law, but the very fact that Marcianus dealt with them in a textbook for students shows that they were not infrequent, and by the late 170s the emperors were apparently prepared to construe such legacies as bequests of the *res* involved, if that seemed to fulfil the testator's intention: *aestimatio* would then be necessary. I am grateful to Tony Honoré for this view of *Dig.* XXX.112.pr., which must be preferred to the alternatives I have offered in the main text above. It is substantially the same as the combination of the views of Saumagne and Fustel de Coulanges that will be found on p.246 above.
  27. The mistake of thinking that the text of Marcianus refers to all *inquilini* (and indeed all *coloni*) is made by Norbert Brockmeyer, *Arbeitsorganisation und ökonomisches Denken in der Gutswirtschaft des römischen Reiches* (Diss., Bochum, 1968) 274, who says, 'Im 3. Jh. wurden die Kolonen, insbesondere die Inquilinen, bereits so sehr mit dem Gut identifiziert, dass Marcian sagte, sie könnten ohne ihre Parzelle nicht vermacht werden.'
  28. Seeck's theory has been accepted in particular by Stein, *HBE* I.i.17, 22, 29-30, 55; ii.409 n.6 (Seeck 'à mon avis n'a été réfuté ou dépassé par aucune publication postérieure'), etc.; also by De Martino, *SCR* IV.1 (1974) 347; Ganshof, *SPQBE* 263-4 (cf. n.37 below); Heitland,

- Agricola 340 and n.3, 360-1; and others. Jolowicz and Nicholas, after saying that the *colonus* in the Later Empire 'was already in fact an appendage of the land and could, in some cases at least, be bequeathed along with it', cite our passage from Marcianus in a note, adding, 'The text speaks of *inquilini*, and they were perhaps German prisoners who had been settled in the empire', with a reference to Seeck (see their *HISRL* 435-6 and n.9). Seeck's theory has been rejected by Böckstein (*CRO* 40-5) and Clausen (*RC* 190 ff., esp. 195-7), and by Piganiol and Saumagne (see the main text above). Fustel de Coulanges, in his essay on the Roman colonate mentioned in § 13(b) above (and published 25 years before Seeck's interpretation appeared), does at least offer a sensible suggestion as to how the testator in question may have conceived himself as able to bequeath his *inquilini*: what the testator really had in mind, says Fustel, was a bequest of the *rents* paid by the *inquilini* (65 n.1). This, I may say, would have been one of those laymen's errors to which Roman testators were prone. The man would not have realised that if he made no specific bequest of the land itself (ownership of which of course included the right to receive the rents) it would simply pass to the heir, with what we should call the residuary estate. But I cannot follow Fustel in believing that Marcianus 'veut dire: Si un testateur lègue un *inquilinus* avec la terre où il est attaché, ce legs est valable', in the sense that it is the land which is bequeathed. In fact the bequest of a free tenant, with or without the land he occupied, was simply null and void in law, as indeed Fustel realised (see the earlier part of the same note). Nor does Fustel explain how Marcianus could use the surprisingly strong term *adhaerent* of the *inquilini*. For another way in which Fustel's note may be usefully applied, see the main text above, near the end of § 18.
29. On the alleged connection between the *laeti* (and *gentiles*) and the so-called 'Reihengräberkultur', I have been convinced by the admirably clear arguments of Rigmor Günther, 'Laeti, Foederati und Gentilen in Nord- und Nordostgallien im Zusammenhang mit der sogenannten Laetenzivilisation', in *Zschr. für Archäol.* 5 (1971) 39-59; 'Die sozialen Träger der frühen Reihengräberkultur in Belgien und Nordfrankreich im 4./5. Jahrh.', in *Helinium* 12 (1972) 268-72; and ULGG = 'Einige neue Untersuch. zu den Laeten u. Gentilen in Gallien im 4. Jahrh. u. zu ihrer hist. Bedeutung', in *Klio* 58 (1976) 311-21. On the *laeti* (and *gentiles*), in addition to the works referred to in §§ 18-19 of the main text of this section, in Appendix III, and in n.28 above, see e.g. Émile Dénougeot, 'A propos des lètes gaulois du IV<sup>e</sup> siècle', in *Beiträge zur Alten Gesch. u. deren Nachleben. Festschr. für F. Altheim* (Berlin, 1970) II.101-113; 'Laeti et Gentiles dans la Gaule du IV<sup>e</sup> siècle', in *Actes du Colloque d'hist. sociale 1970 = Annales lit. de l'Univ. de Besançon* 128 (Paris, 1972) 101-112; MEFB = 'Modalités d'établissement des fédérés barbares de Gratien et de Théodose', in *Mélanges d'hist. anc. offerts à William Seston* (Paris, 1974) 143-60; cf. *De l'unité à la division de l'Empire romain 395-410. Essai sur le gouvernement impérial* (Paris, 1951) 23, 200-1, 223-5, cf. 80; Jones, *LRE* II.620, with III.186-7 n.26. Some of the barbarian settlements are also noticed by Ramsay MacMullen, 'Barbarian enclaves in the northern Roman Empire', in *Am. Class.* 32 (1963) 552-61. Among other relevant recent works which I have seen but have not been able to digest properly are László Várad, *Das letzte Jahrh. Pannoniens*, 376-476 (Amsterdam, 1969), e.g. 154-9, 384-91, 462-7; and Dietrich Hoffmann, *Das spätröm. Bewegungsbild u. die Notitia Dignitatum = Epigraph. Stud.* 7 (Düsseldorf) I (1969), II (1970), esp. e.g. I.139-41, 148-55; II.48-54. I did not see Pavel Oliva, *Pannonia and the Onset of Crisis in the Roman Emp.* (Prague, 1962, an Eng. trans. of the original Czech version of 1957) until this chapter was finished. For additions to the bibliography, see its 86-7, 303-5 (esp. 304-5 n.139, mentioning various works in Czech, Russian, Hungarian etc.). [Only when the main text of this chapter was in page proof did I read two important articles by E. A. Thompson which materially increase our understanding of the relations between the Roman rulers and the 'barbarians', the Visigoths in particular: 'The settlement of the barbarians in southern Gaul', in *JRS* 46 (1956) 62-75; and 'The Visigoths from Frigiterm to Euric', in *Historia* 12 (1963) 105-26. Another interesting paper by Thompson which has just appeared, 'Barbarian invaders and Roman collaborators', in *Florilegium* (Carleton Univ., Ottawa) 2 (1980) 71-88, discusses some of the material dealt with in VIII.iii above.]
30. See *P. Ital.* I, pp. 472-3 n.1, 474 n.7 (from the commentary on *P. Ital.* 24), where references will be found. One of the texts is *CIL* V.8.7771, of A.D. 391, from Genua: see the improved restoration in *P. Ital.* I, p. 473 n.1.
31. I feel that this distinction may be reflected, for example, in *CTh* VII.xiii.16 (Honorius, 406), which contemplates the recruitment of slaves of *foederal* and of *dedicti*.
32. E.g., in particular, in Appendix III, nos. 4, 16, 17, 21(a) and (b), 26, 27.

33. E.g., in Appendix III, nos. 14(a) and (b), 19(a), and 32. I would understand *CTh* XIII.xi.10 (no. 22 in that Appendix) to be referring to imperial grants or sales of *terrae laetiae* to well-to-do Romans who would become the freehold owners of such lands and benefit from the tenancy of their *laeti*.
34. See, in Appendix III, nos. 5(a) and (b), 16(b), 18.
- 34a. I have not dealt in this book with the system of *hospitium/hospitalitas*, terms which in the fifth century came to be applied to the division of the landed property of individual Romans with 'barbarians' on fixed terms, as a development of standard Roman practice in letting (for which see *CTh* VII.viii.5 = *CJ* XII.xi.2, of A.D. 398). My main reason for neglecting this subject, apart from its extreme complexity, is the fact that we know of its existence only in the West (in Italy, Gaul and Spain, among the Visigoths, Ostrogoths, Burgundians and perhaps Alans) and only at a late date: the earliest certain references are for 440 and 443, although the system may well have been applied first on the settlement of the Visigoths in Aquitaine in 418, mentioned in Appendix III § 24 (b) above. I need do no more than refer to the standard treatment of the subject, by F. Lot, 'Du régime de l'hospitalité', in *KHPH* 7 (1928) 975-1011; and to Jones, *LRE* I.248-53, with III.45-7 nn.26-37 (also 29 n.46, 39 n.66); and Thompson's two articles of 1956 and 1963, mentioned at the end of n.29 above.
35. See esp. Thompson, *EC* 3-9, 15-18, 25-8, 51-3, 57; *VTV* 25-8, 32-3.
36. Tacitus wrote the *Germania* in A.D. 98 or just after, the *Historiae* presumably in the first and the *Annales* in the late second and/or the early third decade of the second century.
37. The views of A. H. M. Jones on the Later Roman colonate can be found mainly in three different works: (1) 'The Roman colonate', in *Past & Present* 13 (1958) 1-13, which can also be read in Jones, *RE* 293-307 or (better still) in *SAS* (ed. Finley) 288-303, with improvements in the notes by Dorothy Crawford (see its p.x); (2) *LRE* II.767-823, esp. 795-812 (with the notes, III.247-70, esp. 257-64 nn.62-99); and (3) *RE* 86-8, 232-3, and esp. 405-8 and 416-17. A good deal of the earlier work on the Later Roman colonate can be considered out of date since Jones's magisterial treatment of the subject. For a selective bibliography of books and articles published down to 1923, see Clausen, *RC* (1925) 318-23. Of these the modern reader may find most useful H. Böckstein, *CRO = De colonatu romano eiusque origine* (Amsterdam, 1906), and Rostovtzeff, *SGRK* (1910). An important work not noticed by Clausen is Matthias Gelzer, *SBVA* (1903), of which the most relevant part is pp.64 ff. (esp. 69-77). The main value of Clausen's book lies in its account of earlier views: he seems to me to have nothing important to say himself that is both new and valid. Among the works on the Later Roman colonate published since 1925 are Ch. Saumagne, *ROC = Du rôle de l'origine et du cursus dans la formation du colonat romain*, in *Byz.* 12 (1937) 487-581; F. L. Ganshof, *SPCBE = Le statut personnel du colon au Bas-Empire. Observations en marge d'une théorie nouvelle*, in *Ant. Class.* 14 (1945) 261-77 (successfully criticising part of Saumagne's paper); Angelo Segre, 'The Byzantine colonate', in *Traditio* 5 (1947) 103-33; Maurice Pallasse, *Chien et Octobre à propos du Colonat Romain au Bas-Empire (= Bâle de la Fac. de Droit de l'Univ. d'Alger* 10, Lyons, 1950, 93pp.); Claire Préaux, 'Les modalités de l'attache à la glèbe dans l'Égypte grecque et romaine', in *Revue de la Soc. Jean Bodin II<sup>e</sup>. Le Servage* (2nd rev. édition, Brussels, 1959) 33-65; Paul Collinet, 'Le colonat dans l'Empire romain', in *ibid.* 85-120, with a *Note complémentaire* by M. Pallasse, 121-8; F. M. De Robertis, *Lavoro e latifundio nel mondo romano* (Bari, 1963) 339-417; Marc Bloch, Chapter VI, 'The rise of dependent cultivation and seigniorial institutions', in *CEHE P* (1966) 235-90 (repr. from 1st edition, 1941). I will add here a reference to the informative second chapter of *CEHE P* (1966) 92-124, 'Agriculture and rural life in the Later Roman Empire', by C. E. Stevens, with 755-61, a revised version by J. R. Morris of the bibliography in *CEHE P*.
38. Land or house, perhaps, to allow for the *inquilinus*, who in some passages in the Codes seems to be the tenant of a house, as he certainly is in most passages in the *Digest* (cf. § 18 of the main text of this section).
39. See esp. *CTh* X.xi.2.4 (c. 370); *XLxxv.6.3* (of 415, relating to Egypt); and the papyri cited in n.40 below.
40. See esp. *P. Cairo* *Éd.* 126 (of 308-9), also 128 (of 314), and *P. Thead.* 16-17 (of 332), with Jones, *RE* 406; cf. Jones's article in *SAS* (ed. Finley) 293-5. The conclusion appears to be justified that peasants who did own land in freehold would not in any event appear on the returns of landowners from whom they happened also to lease land, although the only specific evidence I know for this is in *CTh* XI.i.14 = *CJ* XI.48.4.pr., 1 (of 371).

41. The word first occurs in a speech by the Emperor Marcian to the Council of Chalcedon in 451: *Acta Conc. Oecum.*, ed. E. Schwartz, II.1.2 (1933) 157, § 17 (*ἐκσπόμενος*). For a list of occurrences in the papyri, from 497 onwards, see Jones, *LRE* III.260 n.74.
42. I have ignored some texts using words like 'inservire', which do not necessarily refer to any form of slavery at all, although in certain cases they may do so. For instance, in 371 Valentinian I, Valens and Gratian said of the *coloni* and *inquilini* of Illyricum, 'inserviant terris... nomine et titulo colonorum', adding that if they ran away they might be brought back in chains and punished (*CJ* XI.iii.1-3). By itself, *inservire* in late Latin (as always in Classical Latin) normally means 'serve the purposes of', 'care for', 'minister to' (see e.g. *CJ* III.xii.2; *CTh* VIII.v.1, and more than a score of other legal texts); and even in *CTh* XIV.xvii.6 (of 370) the words 'sub vinculis' had to be added to make it clear what 'pistrino... inserviat' there implies; only in *CTh* XV.xii.1 (of 325) do the words 'metalla... inservire' themselves remind us of the traditional phrase 'servi poenae'.
43. See Jones, *LRE* II.798 ff., esp. 802-3. A long list of such leases, dated between 285 and 633, is given by A. C. Johnson and L. C. West, *Byzantine Egypt. Econ. Stud.* (Princeton, 1949) 80-93.
44. *P. Ital.* 1 is ed. by J.-O. Tjäder, *Die nichtkaiserlichen lateinischen Papyri Italiens aus der Zeit 445-700* (Lund, 1955) I.172-8 (with German trans.); cf. 398-405 (*Kommentare*). The rents payable ('quid annua... singuli conductores dare debent') are listed in lines 57 ff.; for the 756 solidi payable for the Massa Emporitana, see line 59.
45. See above and n.16; also Jones, *LRE* II.791 (with III.254-5 n.49).
46. Pelag. I, Ep. 64, ed. Cassó and Bacile, pp.167-70 (cf. n.17 above). Cf. Cassiod., *Var.* II.18: some men regarded as *conditi* by their local Council were claimed as slaves by the Church.
47. See the *MGH* edition of the letters of Pope Gregory, in four parts: *Epist.* I.i (1887) by P. Ewald, and I.ii (1891), II.i (1893), II.ii (1895) and III (1899), by L. M. Hartmann (Berlin). On the *patrimonium Petri*, see Jones, *LRE* I.90; II.770, 781-2, 789; III.230 n.31, 252-3 nn.45-6; René Aigran, 'Le temporel des églises occidentales' = ch. xvi of *Histoire de l'Eglise*, ed. A. Fliche and V. Martin, Vol. 5, *Grégoire le Grand, les états barbares et la conquête arabe (590-757)*, by Louis Bréhier and R. Aigran (Paris, 1947) 543-53, with bibliography (543-4 n.1); F. Homes Dudden, *Gregory the Great. His Place in Hist. and Thought*, 2 vols (1905) I.295-320, esp. 296-9; and cf. VIII.iv above and its nn.26 and 28 below.
48. See the *MGH* edition (n.47 above) I.133-9, at 134-5.
49. Among the relevant laws issued in the West are *CTh* I.xi.1 (397), 2 (398); II.xxx.2 and xxxi.1 (422); V.vii.3 (408-9); X.iii.2 (372); iv.3 (370-3); v (396-8); xxvi.1 and 2 (426); XI.xvi.5 (343), 12 (380); XIV.iii.19 (396); XVI.v.40.7 (407), 52.1 (412), 54.5 and 6 (414); vi.4.1 (405); *Const. Simond.* 16 (408); *Nov. Val.* VI.1.1 (440); 5.1 (443); *Nov. Major.* VII.1.1 (458); *CJ* XI.lvi.3 (376-7); lxxi.3-4 (early Arcadius and Honorius); lxxi.5.6-7 (429). Cf. the Papal documents of the late fifth and mid-sixth centuries quoted by Jones, *LRE* III.254 n.49. Too much emphasis has sometimes been placed on the absence from *CTh* of a title corresponding to *CJ* IV.lxiv: *De locato et conducto*. For *conductores* in the Later Empire in general, see Jones, *LRE* II.788-92, esp. 791.
50. See above all Jones, *LRE* II.773-81, 809, with the notes. Here again I must disagree with Finley, *AE* 196 n.73, who is demonstrably mistaken about the peasants referred to in Libanius, *Orat.* XLV (*De periculis*). They fall into two quite distinct groups, to only the second of which Finley's statements apply. The first group, described in §§ 4-10, consists specifically of peasant freeholders; and in these sections we find none of the terms (*δικέται*, *δούλοι* and *σώματα*, subject to a *δεσπόνη*) which are taken by Finley as indications that the men concerned are not 'free landowning peasants'. (In § 4, of course, *δεσπόνη* designates the peasants themselves, as owners. I cannot see, incidentally, that *σώματα* is used at all.) Moreover, the people harmed by the patronage which the peasants of the first group obtain from the *dix* are not landlords but 'those who collect the taxes' (*τὸν δίκον*, 7 ff.), i.e. the decurions as such – who would not have been involved in tax-collection from these people had they been *coloni* (their landlords would then have been responsible for their taxes). It is only the second group, dealt with in §§ 11-16, who are *coloni* (and with whom Libanius is obviously much more concerned in this speech): it is their landlords (and with whom Libanius is obviously much more concerned in this speech): it is their landlords as such who are harmed by the patronage of which Libanius is complaining. (The terms *δεσπόνη* and *σώματα*, by the way, occur again in §§ 19, 21-3, where they will refer to the same people as before.) The account given by Liebeschuetz, *Ant.* 61-73 (esp. 67), which Finley criticises, is perfectly sound. See also Louis Harmand, *Libanius. Discours sur les Patronages*

- (Publ. de la Fac. des Lettres de l'univ. de Clermont, 2<sup>e</sup> Série, Fasc. 1, Paris, 1955), esp. 124-40 on the two groups I have distinguished; cf. Harmand's larger work, *Le Patronat sur les collectivités publiques des origines au Bas-Empire* (Publ. de... Clermont, 2<sup>e</sup> Série, Fasc. 2, Paris, 1957) 449-61. Liebeschuetz, *Ant.* 68-73, ably presents the evidence for independent peasants in the area of Antioch, making use of the important recent books in French which have provided so much new information about certain parts of Roman Syria: G. Tchalenko, *Villages antiques de la Syrie du nord. Le Massif du Bélus à l'époque romaine* (3 vols, Paris, 1953, 1958); R. Mouterde and A. Poidebard, *Le 'Limes' de Chalcis, organisation de la steppe en haute Syrie romaine* (Paris, 1945); and J. Lassus, *Sauneries chrétiennes de Syrie* (Paris, 1944), and *Inventaire archéologique de la région au nord-est de Hama* (Damascus, 1935). As in Libanius, *Orat.* XLV, so in Theodoret, *Hist. relig.* (MPC LXXXII), we find both *coloni* and freehold peasants in northern Syria: for the former, see ch. 14 (col. 1412-13, esp. 1413AB); for the latter, ch. 17 (col. 1421-4, esp. 1421A). For the possible role of *emphyteusis* in promoting the prosperity of small and middling peasants in the area dealt with by Tchalenko (not discussed by Liebeschuetz; but see his *Ant.* 72 n.2), see Tchalenko, op. cit. I.414-17.
51. In this very summary account of the Later Roman *colonus* I have had to ignore many complications and peculiarities. For example, I cannot understand the situation depicted in Cassiod., *Var.* XII.9 (of A.D. 533-7), where an African *peregrinus*, claiming under a special ancestral custom to inherit the land of a fellow-countryman who has died without heirs, will (if his claim succeeds) become a *possessor* and a Roman citizen, liable to pay *tributa*, but inferior to other *domini* in being unable to alienate the property. It is *captivitas* which is responsible for making it possible for the man to enjoy *Romana civitas* as well as *Afrorum privilegia* – was he perhaps claiming to succeed the deceased as a freedman? But the inability to alienate remains inexplicable. Nor have I said anything in this section about labour services, which could have been dismissed as playing no important role in the Greek or Roman world but for a piece of evidence from mid-sixth-century Italy which I have mentioned in Section II of this chapter.
52. The legacy of a 'fundus instructus' seems to have been slightly broader than that of a 'fundus cum instrumentis': see Berger, *EDRL* 505 (s.v. 'instructum domus [fundus] and 'instrumentum fundi [domus]', with brief bibliography), and 540 (s.v. 'legatum instrumenti').
53. See Sherwin-White, *LP* 504, where the reference in the penultimate line should be to VIII (not VII) 2n. (on p.449).
54. As e.g. in *CTh* IV.xii.5 (A.D. 362); VII.xviii.2 pr.1 (379); XII.i.179.4 (415); cf. *Nov. Maj.* VII.1.4 (458). Sometimes the nature of the penalties threatened against such men suggests that they are likely to be slaves, as e.g. in *CTh* VII.xviii.4.1; IX.xxix.2.
55. The Latin *Life of St Melania the Younger* was edited by C. de Smedt and others in *AB* 8 (1889) 16-63; cf. its §§ 15, 21. I have not been able to read the more complete edition by Cardinal Rampolla, *Santa Melania Giovine senatrice romana* (Rome, 1905). The best edition of the Greek *Life* is now that by Denys Goron, *Vie de Sainte Melanie* = *SC* 90 (Paris, 1962); see esp. its §§ 1, 9-12, 15, 17-22, 37. If we can trust the two *Lives* (partly confirmed by Pallad., *Hist. Laus.* 61), Melania and her husband owned estates in Italy, Sicily, Africa (including Numidia and Mauretania), Spain, Gaul and Britain. And see P. Allard, in *RQH* 81 (1907) 5-30.
56. See e.g. Jones, *LRE* I.251-2; II.781, 787, 793-5, 810 (slaves of *coloni*), 815, 818, 932, with the notes.
57. A. H. M. Jones, P. Grierson and J. A. Crook, 'The authenticity of the "Testamentum S. Remigii"', in *RBPH* 35 (1957) 356-73, while regarding the longer version as 'beyond salvation' (357 n.5), have made an excellent case for accepting the shorter one as authentic. It is edited by B. Krusch, *Vita S. Remigii* 32, in *MGH, Ser. rer. Merov.* III (1896) 336-40.
58. See esp. op. cit. 371-3; Jones, *LRE* II.785, 793-4.
59. This is a very difficult question. I do not wish to deny that hired labour, especially at peak periods of agricultural activity, may have been more important than our surviving evidence suggests: see e.g. Bruer's review of White, *RF*, in *JRS* 62 (1972), at 158 – although in my opinion the *vindemiares* of Col. II. RR III.xxi.6 are mainly the owner's slaves, working under the supervision of other such slaves as *quintones*; it is only if too many vines ripen at once that it may be necessary to hire additional workers (*pluris operis... conducere*, § 10). The elaborate calculations of 'man-days' (*operae*) given in particular by Columella (see e.g. *RR* II.xix; and XI.ii *passim*, esp. 17, 46) are surely intended to help the landowner to decide whether he will need hired hands to supplement the labour of his slaves; and if so, how many. Like *operae*, the term *operarii* can refer to the landowner's slaves or to hired men – but we must never forget that even hired hands may often be slaves belonging to other landowners. Some of the workers

mentioned by Cato, *De agri cult.*, may well be free men (see Heitland, *Agricola* 171-3); but some of his *operarii* must be slaves, e.g. those in x.1, xi.1 and surely xxiii.2; there are also hired *operarii*, e.g. in i.3 (stressed by Pliny, *NH* XVIII.28: cf. 300), iv (*locabis . . . conduces*), v.4, cxlv.1. Varro refers very occasionally to hired workers, e.g. the *mercennarii* in *RR* I.xvii.2-3; the hired *anniversarii* . . . *vicini* of I.xvi.4 are not agricultural labourers but doctors and artisans; the *operarii* of I.xviii.4 must be slaves. Hired workers are conspicuously absent from Columella, *RR* I.vii.1,4,7 (cf. I.iii.12: ix.4); and indeed I have found no clear mention of hired agricultural workers in the whole of Columella, *RR*, except in III.xxi.10 (cited above) and I.praef.12, although the *operae* in II.ii.12 and IV.vi.3 may be (or at least include) those of hired men, even if elsewhere they are often clearly those of slaves, as e.g. in XII.xiii.1. *Operarii* in other writers are often clearly slaves, as e.g. in Phaedr., *Fab. Aesop.* IV.v.23. As I have not had an opportunity to mention it before, I will record here the useful article by K. D. White, 'Roman agricultural writers I: Varro and his predecessors', in *ANRW* I.iv (1973) 439-97.

## [IV.iv]

1. The opinion that conscription was widely resorted to in the Principate is perhaps not yet the 'standard view'; but see P. A. Brunt, 'Conscription and volunteering in the Roman Imperial army', in *Scripta Classica Israelica* 1 (1974) 90-115.
2. The best general account of ancient Iran is by R. N. Frye, *The Heritage of Persia* (1976). Frye is a specialist on the Sassanid period but deals well with the Achaemenid and Parthian eras.
3. See Jones, *LRE* II.668-70 (contrast 614-19). Against some recent objections, see John F. Haldon, *Recruitment and Conscription in the Byzantine Army c. 550-950. A Study on the Origins of the Stratiotika Ktemata* (= Sb 357, Österreichische Akad. der Wiss., Philos.-hist. Klasse, Vienna, 1979) 20-8.
4. Ostrogorsky's views on this subject, which will be found in greater detail in his *HBS*<sup>2</sup> (e.g. 133-7, 272-6, 280-2, 286-8, 294-5, 305-7, 320-3, 329-31, 331-2, 371-2, 391-4, 481-3), are summarised in his excellent chapter in *CEHIEP* (1966) 205-34 (esp. 207-8, 215-18, 219, 220-2). See also his article, 'The peasant's pre-emption right', in *JRS* 37 (1947) 117-26. Since the reign of Heraclius is within the period covered by this book, I must record the fact that there has been much criticism of Ostrogorsky's attribution to Heraclius of thoroughgoing reforms of the administration, including in particular the creation of the 'theme' system visible in later times. In this field Ostrogorsky's picture is clearly overdrawn, although it seems probable that Heraclius did begin the military reorganisation which attained its full development in the tenth century. In my opinion the best account is the most recent one: that of Haldon, *op. cit.* 28-40. As for the Middle Byzantine period, I am referring to it by way of illustration only, and I must do no more than cite Haldon, *op. cit.* 17-19, 41 ff., and an article by Rosemary Morris, 'The powerful and the poor in tenth-century Byzantium: law and reality', in *Past & Present* 73 (1976) 3-27, both with full bibliography. What for me is essential about the conflict between 'the powerful' and 'the poor' (which I of course see as a class struggle) is that over all 'the powerful' were essentially large landowners, however they may happen to be characterised in legal documents, e.g. the famous Novel V of 934 (935) of Romanus Lecapenus, in J. and P. Zepos, *Jus Graecoromanum* (Athens, 1931; repr. Aalen, 1963) I.205-14 (esp. 209.1-9, concentrating on rank and office-holding; see Morris, *op. cit.* 14). In discussing the motivation of the imperial legislation on behalf of 'the poor' against 'the powerful', some historians may prefer to concentrate on the desire of the emperors to curb the dangerously disruptive and centrifugal activities of their most 'over-mighty subjects'. Near the end of VIII.iv above, while emphasising that few if any of the Roman emperors had much concern for the poor and unprivileged as such, I have stressed two motives for the legislation in the Later Roman Empire designed to protect the peasantry which to the long run seem to me even more important: the preservation of the ability of the peasants to pay taxes, and to serve as recruits for the army. (It is not irrelevant to add that the largest expenditure of money raised by taxation was precisely on the army.)
- 4a. Needless to say, this did not escape the notice of Marx – or of Francis Bacon, from whose *The History of the Reign of King Henry VII* (1622) Marx quotes to good effect in *Cap.* 1.719-20; see esp. 720 n.2, beginning, 'Bacon shows the connexion between a free, well-to-do peasantry and good infantry'.

- 4b. I have altered the translation by Frank H. Knight slightly, to make it closer to the German text.
5. Xen., *Oecon.* V.4-5, 13-15; VI.9-10 etc.; Ps.-Arist., *Oecon.* I.2, 1343<sup>b</sup>2-6; Cato, *De agric.*, Praef. 4; Pliny, *NH* XVIII.26; Veget., *De re milit.* I.3.
6. I give some examples here. (a) In the early 260s Odenathus, a magnate of Palmyra, organised a large body of country folk into an army which beat off the Persians; see Festus, *Brev.* 23, and other sources given in J. W. Eadie's edition (1967), pp.144-5. (b) In 399 Valentinus of Seige in Pamphylia successfully raised a large force of slaves and peasants (*οἰκετῶν πλῆθος καὶ γεωργῶν*) against Tribigild the Ostrogoth and his marauding army (Zos. V.xv-xvi, esp. xv.5). Zosimus, no doubt realising how rare such exploits were, remarks on the fact that the men concerned were all habituated to such clashes by long experience of armed resistance to neighbouring marauders. (c) The men in Spain who in 408 were armed, ineffectually, by Didymus and Verinian (relatives of the Emperor Honorius) against the invading army of Constant, son of the usurper Constantine, were doubtless mainly their own *coloni* and slaves; see Zos. VI.iv.3 (*πλήθος οἰκετῶν καὶ γεωργῶν*), with V.xiii.2; VI.1.1, iv.1, v.1-2; Soz., *HE* IX.11.4 (*πλήθος οἰκετῶν καὶ οἰκετῶν*); Oros. VII.40.5-8 ('servulos tantum suos ex propriis colligentes ac vernaculis silentes sumptibus'). (d) For Cyrenaica, see Synes., *Ep.* 107, 108, 122 (where in the early fifth century the priests of the village of Axoniis organise the peasants to resist the nomad raiders), 125, *Caus.*, in *MPG* LXVI.1568d (women also bear arms); *De regno* 14. (I would draw attention to *Ep.* 78 as showing that on some occasions at any rate the number of raiding barbarians must have been quite small: a mere 40 Hunic auxiliaries had already won victories, and Synesius was confident that another 160, making the total up to 200, would end the menace of the Ausurians. Cf. *Ep.* 62 for a quick and decisive victory by the *dux* Marcellinus.) For surviving traces of the defence of the countryside of Cyrenaica, see R. G. Goodchild, 'Mapping Roman Libya', in *Geog. Jnl* 118 (1952) 142-52, at 147-8, 150, 151. (e) From the brief notice of Hydat. 91 (in *Chron. Min.* II.21) it appears that when the Suevi ravaged part of Gallacia (in north-west Spain) in 430, the common people (*the plebs*), *quae castella satiora retinebat*, resisted them most successfully. Cf. Hydat. 186 (in *Chron. Min.* II.26) for the equally praiseworthy resistance of a single fortified place to the Goths c. 457. (f) According to Sicon. Apoll., *Ep.* III.iii.3-8 (esp. 7), Ecdicius, the brother-in-law of Sidonius, collected a small military force in the early 470s in Auvergne; *praeiit viribus*, to defend Clermont Ferrand against incursions by the Visigoths; see Sten, *HBE* I.393; C. E. Stevens, *Sidonius Apollinaris and his Age* (1933) 141-9. (g) Procop., *Bell.* III (*Vand.* I).x.22-4 mentions that Pudentius of Oca in 532 raised forces which ejected the Vandals from his province, Tripolitana. I have not made use here of Jerome, *Ep.* 123.15.4 (CSEL LVI = 123.16, *MPL* XXII), since I think it is probably the spiritual 'merits' of Exsuperius to which the salvation of Toulouse is being attributed. Sometimes *coloni* and slaves were organised by their masters into armed bands for less patriotic purposes; see e.g. Herodian VII.iv.3-4 (with *Har. Aug.*, *Conf.* 7.3-4), cf. v.3 and ix.4 (the proclamation of the aged Gordian as emperor in 238: we hear of the participation of countrymen, armed with clubs and axes, obeying 'the orders of their masters', *λεγοντες*; see VIII.iii n.4 below); also *Har. Aug.*, *Firm.* etc. 12.2 ('it is said' that when Proculus made himself emperor in the 270s he armed 2,000 of his slaves); and Procop., *Bell.* V (*Goth.* I).xii.50-1 (Theudis the Ostrogoth raised a force of about 2,000 men from the estate of his rich Roman wife in Spain, c. 525). I can do no more than mention Procop., *Anecd.* 21.28, how much truth there is in it: we have no means of telling. In VIII.iii and its n.42 I give examples of the defence of *oikos* by their inhabitants. For defection to the barbarians, peasant revolts etc., see VIII.iii and its notes.
7. Tullianus, a leading landowner of Lucania-Bruttium, organised a large force of peasants against Totila in 545-6 (Procop., *Bell.* VII (*Goth.* III).xviii.20-2; xxii.1-5). Totila also raised an army of country folk, which was defeated (id. xxii.4-5). But Totila was able to procure the desertion of Tullianus' peasants, by making their masters (who were now in his power) order them to return to their lands (id. xxii.20-1). For Totila, see also VIII.iii and its nn.27-30.
8. Brunt is arguing specifically against MacMullen, *KSR* 38 (with 158-9 n.26). I agree in general with Brunt's view of *Dig.* XLVIII.vi.1 ff. (DIRBS 262-4) rather than e.g. that of Jones, *LRE* III.343 n.54.
9. See M. T. [sic] Rostovtzeff, 'Συνέλευσις ἐπισημὴ' in *JRS* 8 ((1918) 26-33, esp. 29-30).
10. Fergus Millar, *SCD* 169, suggests that the reference to brigands is 'a clear reference to what ensued when Septimius Severus ended the recruitment of Italians into the praetorian cohorts' – Dio himself says later that young Italians were driven to become brigands (LXXIV.ii.5-6).
11. By CTh VII.xvii.13-14, of 397, senators alone were allowed to commute in gold for the recruits

- they should have furnished; and cf. Veget., *De re milit.* I.7.
12. For the Roman army, see the bibliography in *OCD*<sup>2</sup> 121; add Jones, *LRE* II.607-86.
13. Anyone who is tempted by the brilliant colouring by Tacitus in the speech of Percennius to suppose that Tacitus had any sympathy with the mutineers should read the trenchant remarks by Erich Auerbach in the second chapter of his *Mimesis*, 1946 (esp. 36-7, also 39-40, 41, and cf. 52, in the English translation by W. R. Trask, Princeton, 1953 and repr.).

## [IV.v]

1. Jones, *CERP*<sup>2</sup> 38-9 ('what may be conveniently if inaccurately called a feudal system' – apparently because 'villages were owned by lords; the villagers were serfs, bound to the soil'. Later we have 'a feudal aristocracy', 'the feudal system', and temples as 'feudal landlords'). A glance at the Index to Rostovtzeff's *SEHHW* will reveal many references to allegedly 'feudal' structures, aristocracies etc.; and see his *SGRK* 377. For Syme, see his *RR* 11-12 (the Roman Republic 'a feudal order of society'). See also D. W. S. Hunt, 'Feudal survivals in Ionia', in *JHS* 67 (1947) 68-75; Tarn, *HC*<sup>2</sup> 134-5, and many other works. Bickerman, in his *Institutions des Séleucides* at any rate, seems to reserve expressions like 'la structure féodale', 'chefs féodaux', and 'serfs' for 'Haute-Asie'; that is to say, Asia excluding Asia Minor (see his *IS* 172-6).
2. I will refer at this stage only to F. L. Ganshof, *Feudalism* (3rd edn. of the Eng. trans. by Philip Grierson, 1964, of the work originally published in French in 1944, *Qu'est-ce que la féodalité?*); Marc Bloch, *Feudal Society*<sup>2</sup> (Eng. trans. in 2 vols. by L. A. Manyon, 2nd edn., 1962, of *La société féodale*, 2 vols, Paris, 1939-40); also Bloch's chapter in *CEHEP*<sup>2</sup>, cited subsequently in the text; and the discussion by Lynn White, *Medieval Technology and Social Change* (1962) 2-14, 135-6, of the theories of H. Brunner and J. R. Strayer regarding the inception of feudalism.
3. Elizabeth A. R. Brown, 'The tyranny of a construct: feudalism and historians of Medieval Europe', in *Amer. Hist. Rev.* 79 (1974) 1063-88. The quotation is from the last page.
4. *Feudalism in History*, ed. Rushdon Coulborn (1956). The editor's essay is on pp. 185 ff. There is a review-article on this book by Owen Lattimore, 'Feudalism in history', in *Past & Present* 12 (Nov. 1957) 47-57.
5. As by Jones and Rostovtzeff; see n. 1 above. Rostovtzeff, in his *SGRK*, and Wilcken, *Chrest.* I.1.280-4, both speak of 'Lehnland'.
6. Frederick Pollock and F. W. Maitland, *History of English Law* I.66-7 (ed. S. F. C. Milsom, 1968).
7. Ganshof, *Feudalism*<sup>2</sup> (see n. 2 above) xv n. 1.
8. R. A. Crossland, 'Hittite society and its economic basis', in *BICS* 14 (1967) 106-8, at 106. Crossland gives references to the relevant literature, including Sédar Alp, 'Die soziale Klasse der NAM-RA-Leute und ihre hennitische Bezeichnung', in *Jahrb. für kleinasiat. Forsch.* 1 (1951) 113-35; and K. Fabricius, 'The Hittite system of land tenure in the second millennium B.C.', in *Acta Orientalia* 7 (1929) 275-92.

## [IV.vi]

1. The one recent book in English on ancient craftsmen, Alison Burford, *CGRS* = *Craftsmen in Greek and Roman Society* (1972), has some real merits, but is not wholly reliable. Among many other works that are still worth consulting are Henri Francotte, *IGA* = *L'industrie dans la Grèce ancienne*, 2 vols (Brussels, 1900-1); Paul Guiraud, *La main-d'œuvre industrielle dans l'ancienne Grèce* (Paris, 1900); Gustave Glotz, *Le travail dans la Grèce ancienne* (Paris, 1920), Eng. trans. as *Ancient Greece at Work* (1926); and 'Industrie u. Handel', in *RE* IX (1916) 1381-1439 (Greek, by H. Francotte) and 1439-1535 (Roman, by H. Gummerus).
2. Being a leading architect in fifth/fourth-century Athens is not likely to have brought large financial rewards. We hear of at least one such man, Philon son of Excestides, who in the fourth century was a member of the trierarchic class (see Davies, *APF* 555-6); and another architect, Democles, of the late fifth century, may well have been the father of two rich Athenians of the first half of the fourth century: Demosthenes (the father of the statesman) and Demion (ibid. 113-14). But there is no proof, and no likelihood, that such men obtained their wealth by the practice of their profession. Certainly the state salaries paid to architects in all recorded cases are small, e.g. 1 drachma per day for the Erechtheum in the late fifth century

- (*IG* I<sup>2</sup>.374, lines 2-3, 109-10, 256-8) and 2 dr. at Eleusis in 329/8 (*IG* I<sup>2</sup>.1672.11-12); cf. the 350-3 dr. per year paid to Theodorus, the architect of the temple of Asclepius at Epidaurus c. 370 B.C. (*IG* IV<sup>2</sup>.1.102; see Burford, *CTBE* 212-17; and cf. 138-45, with references for Delphi and Delos – I agree with her here, against Glotz and Lacroix). According to Vitruvius, in order to become a first-rate architect one needed an extensive education from childhood (I.1, esp. 1-4, 7, 10-15), such as he himself had received (*Vitruv.* 4) – yet he could admit that this was not true of many practising architects of his day (id. 6-7). Vitruvius boasted that his own objective had not been to make money out of his profession (id. 5).
3. The most recent monograph in English, by Louis Cohn-Haft, *The Public Physicians of Ancient Greece* (= *Smith Coll. Stud. in Hist.* 42, Northampton, Mass., 1956), is limited to 'the Greek city-states of the period down to the founding of the Roman Empire', and is therefore obliged to set aside the large volume of evidence for later periods; but it is thorough as far as it goes. (One may feel that the author has spent too much time lamenting the deficiencies of earlier writers.) For the Hellenistic period, see esp. Rostovtzeff, *SEHHW* II.1088-94 (with III.1597-1600 nn.45-8). Further bibliography will be found in *OCD*<sup>2</sup> 664. Add Thomas, *LO* (1961) 241-3, on doctors and Roman law.
4. A good bibliography on Galen is given in L. Edelstein's all-too-brief article on him in *OCD*<sup>2</sup> 454-5. George Sarton, *Galen of Pergamon* (Lawrence, Kansas, 1954), includes a list of Galenic texts available in English translation (Appendix III, pp.401-7).
5. See M. I. Finkelstein [Finley], 'Εμπορος, Ναύκληρος and Κάπηλος: a prolegomena to the study of Athenian trade', in *CP* 30 (1935) 320-36. I am saying virtually nothing in this book about Greek merchants; but my former graduate pupil, Charles M. Reed, hopes to produce a book on Greek maritime traders in the near future.
6. I am reluctant (cf. III.v above) to make any use of the figures scattered over the *Satyricon* of Petronius, since they are sometimes wildly exaggerated (for an example, see Duncan-Jones, *EREQS* 239 n.4, *ibid.*). Thus in *Sat.* 76 Petronius gives Trimalchio a profit of HS 10 million on a single voyage, after a disastrous one in which he lost three times as much; and cf. 117 for another loss by shipwreck of more than HS 2 million! But I think it is significant that after Trimalchio has made his 'ten million' he gives up merchanting himself and goes in for staking his freedmen (76); he now thinks in terms of landed property (76, 77; cf. 53).
7. See Jones, *RE* 35-6, *LRE* I.110, 148 (with III.27 n.28), 431-2 (with III.108-9 nn.52-3), 464-5; II.853-4, 871-2 (with III.292 nn.116-18). See esp. Libani., *Orat.* XLVI.22-3; Zos. II.38.1-3; Evagri., *HE* III.39, for the distress allegedly caused by the tax.
8. On the *collegia* of the Roman world and their Greek equivalents, see the comprehensive work of J.-P. Waltzing, *Étude historique sur les corporations professionnelles chez les Romains*, I-IV (Louvain, 1895-1900). For other works on Greek 'Vereiswesen', by Ziebarth (1896), Ochler (1905), Poland (1909) and others, see the bibliography by M. N. Tod, 'Clubs, Greek', in *OCD*<sup>2</sup> 254-5. Cf. also Rostovtzeff, *SEHRE*<sup>2</sup> I.178-9, with II.619-20 nn.43-4 ('The treatment of the corporations in existing works is wholly inadequate, being merely systematic and not historical', n.43).
9. E.g. συνέδριον, συντεχνία, συνέρχων, συντήρημα, συμβόλιος, συνεργασία, ἐργασία, δημοτέχνον, στατίον, στέλος, πλάστιγ, κοινόν, ὄκος, even ἡ τεχὰ μέλη. There is a handy collection of the evidence for such organisations in Asia Minor in the Roman period by Broughton, in Frank, *ESAR* IV.841-6. For the 'guilds' of the Later Roman Empire, see Jones, *LRE* II.858-64.
10. For the continuation of this passage, mentioning Anacreon, Philemon and Archilochus, and for much other interesting material, see Brunt's excellent note, *ASTDCS* 15 n.1: Anacreon and Archilochus at least 'were regarded as men of bad character' – and Archilochus, I may add, was said to be the son of a slave girl. I must also say here that we need to be careful in interpreting Plutarch's frequent references to the indulgence by great men in artistic pursuits, for their implications are not always obvious. For example, in one story, which Plutarch thought so admirably illustrative that he used it in no fewer than four separate treatises, we hear of the harper whose playing was criticised by Philip of Macedon, and who responded by expressing the hope that the king would never sink so low as to acquire a greater knowledge of playing the harp than he had himself (*Men.* 67f-68a, 179b, 334cd, 634d). But only in two of these (67f-68a, and esp. 634d) does Plutarch reveal the lesson he wishes us to draw from the incident: that the harper was cleverly and covertly rebuking the king's impertinence in fancying that he knew better than a professional.
11. See, briefly, Burford, *CGRS* 164-83, 207-18, with the notes, 243-5, 249-50, giving a selection of

- the evidence. Rostovtzeff, *SEHIRE* I, 166-7, and esp. II.611-12 n.27, should not be neglected, although dealing with the Latin West, and specifically with the Moselle region. See also Crook, *LLR* 193, with 320 nn.65-7. For a useful collection of epigraphic material, see Ida Calabi Limentani, *Studi sulla civiltà romana: il lavoro artistico* (= Biblioteca storica universitaria, Serie II Monografie, Vol. IX, Milan, 1958) 151-80 ('iscrizioni'), 224 in number, mainly in Latin, but some in Greek. [After this section was finished I saw the article by J. F. Drinkwater, 'The rise and fall of the Gallic Iulii: aspects of the development of the aristocracy of the three Gauls under the Early Empire', in *Latomus* 37 (1978) 817-50; see esp. 835-46.]
12. Cf. the fullers of IG I<sup>2</sup>.436, 642 + 491 (= DAA 49), and 751 (= DAA 342).
  13. For another family of Greek woodcutters, proud of their calling, see the charming epitaph, *Anth. Pal.* VII.445.
  14. For IG II<sup>2</sup>.10051, see Siegfried Lauffer, *Die Bergwerkssklaven von Laurion II* (= *Abh. der Akad. der Wiss. u. der Lit. in Mainz, Geistes- u. sozialwiss. Klasse*, 1956 no. 11) 198-205 (= 962-9), cf. 132-3 (= 896-7). Asotas may or may not have come to Attica as a slave; when he died he was almost certainly no slave or even underground worker (see Lauffer, op. cit. 132-3, 199-200): I would guess that he may have been in charge of smelting operations in an *ἐργαστήριον*, in which capacity there may have been much scope for display of *τεχνή*. I take this opportunity of mentioning further bibliography for the *Selbstbewusstsein* of craftsmen, in H. W. Pleket's article in *Talanta* 5 (1973) 6-47, at 9-10 nn. 16-18 (see II.i n. 14 above). And see MacMullen, *RSR* 119-20.
  15. *IGRR* I.810 = G. Kaibel, *Epigrammata Graeca ex lapidibus collecta* (Berlin, 1878) 841 = Calabi Limentani, op. cit. (in n. 11 above) 165, no. 107.
  16. *IG V.i*.823 = Jeffery, *LSAG* 200, no. 32.
  17. A brief but masterly summary will be found in J. D. Beazley, 'Potter and painter in Ancient Athens', in *Proc. Br. Acad.* 30 (1944) 87-125, at 107 ff. (also published separately, at 25 ff.), where information is also given about inscriptions on marble by potters, mainly from the Athenian Acropolis (ibid. 103-7 = 21-5), and about representations on vases and votive plaques of potters at work or at leisure (ibid. 87-103 = 5-21).

## [V.i]

1. The most recent edition of Hesiod, *Works and Days*, is by M. L. West (1978).
2. Hes., *WD*, esp. 176-7, 302-19, 376-80, 381-2; cf. 637-40, 717-18.
3. That Hesiod has the freeholder rather than the tenant-farmer in mind is clear from *WD* 341.
4. Hes., *WD* 459, 470, 502-3, 559-60, 573, 597 ff., 602-3, 607-8, 765-6.
5. Ibid. 602.
6. It will be sufficient to refer to Brunt, *IM* 140-1, who cites not only the lines of Hesiod to which I have referred (*WD* 376 ff.) and a fascinating eighteenth-century passage from Gaetano Filangieri of Naples, but also Polyb. XXXVI.xvii.3-8. That famous text attributes the depopulation of Greece by the second century B.C. to a disinclination to rear children, and in particular to a general desire not to split up an estate among more than one or two children (see esp. § 7 *fin.*), with the result that many families became extinct. Missonius Rufus complains of similar motivation for the exposure of children of the rich in the early Principate: see his fr. XV, ed. Hense or Lutz (cf. II.vi and its nn. 28-9 above): τὰ ἐκτεταγμένα τέκνα μὴ τρέφειν, ἵνα τὰ προγεγόμενα εἰσπορῇ πάλαιον. I would add that there is some excellent material in Brunt, *IM* 131-55 (ch. xi, 'Reproductivity in ancient Italy'), much of which is applicable to the Greek world. [Cf. now the addition to II.vi n. 7 above.]
7. Witold Kula, *An Economic Theory of the Feudal System* (1976), ch. 3.3, esp. p. 72 & n. 66, citing some interesting eighteenth-century material. This book reads remarkably well, although translated into English (by Lawrence Garner) from an Italian translation from the original Polish edition of 1962. A leading French historian, Fernand Braudel, in his introduction, describes the book as 'an example of a Marxist problematic mastered, assimilated and elevated to the level of a lucid and intelligent humanism, and a broad explanation of the evolution of the collective destiny of men', and as 'an effort of objective and patient reflection, of unusual intellectual honesty... an important event for historians... a milestone in our common research' (ibid. 8).
8. Hes., *WD* 38-9, 220-1, 248-51, 263-4.

9. In support of the early date (which I favour) see M. L. West, in *Studies in Greek Elegy and Iambus* = *Untersuch. zur antiken Lir. u. Gesch.* 14, ed. H. Dörrie and P. Moraux (Berlin/New York, 1974), ch. iv, 'The life and times of Theognis', pp. 65-71. See esp. 70: Theognis' 'poetic and political career began in the 630s at the latest, and apparently extended over several decades. It may have reached into the sixth century, overlapping Solon's'. I have used the Teubner edition of Theognis by E. Diehl, in *Anthol. Lyrica Graeca II*<sup>3</sup> (1950); there is a more recent text by M. L. West, in *Iambi et Elegi Graeci* I (1971): There is also a text (much less reliable) with an English translation in the Loeb *Elegy and Iambus* I (1931 and repr.), by J. M. Edmonds. On Theognis, see the article by C. M. Bowra, in *OCD*<sup>2</sup> 1056-7 (with bibliography), and Bowra's book, *Early Greek Elegists* (1935, repr. 1968) 139-70.
10. Theogn. 341-50, cf. 1197-1202.
11. See my ECAPS 9-11 (with its nn. 29-32); cf. my *OPW* 358 ff., esp. 371-6.
12. Cf. Solon frs. 1.33; 4.9; 23.21-24.18. For Solon I have used the Teubner edition of E. Diehl, in *Anthol. Lyrica Graeca I*<sup>3</sup> (1949). There is a more recent edition (unfortunately with yet another re-numbering of the fragments) by M. L. West, in *Iambi et Elegi Graeci II* (1972). There is also a text (much less reliable) with an English translation in the Loeb *Elegy and Iambus* I (see n. 9 above).
13. Cf. Theogn. 193-6, 1112 etc.
14. Alcaeus, fr. Z 24, in E. Lobel and D. Page, *Poetarum Lesbiorum Fragmenta* (1955); and see Denys Page, *Supplio and Alcaeus* (1955) 169 ff., 235-40. Cf. the κακόπαρις in Theogn. 193.
15. See the commentary of Newman, *PA IV*.432-3.
16. Cf. Theogn. 53-60, 233-4 etc.
17. There is a vast literature on this topic. The best introduction for the 'general reader' is still Andrewes, *GT*. Forrest, *EGD*, is valuable in that it carries the story on, beyond the point (roughly 500 B.C.) at which Andrewes stops, to show the subsequent evolution of Greek political forms down to the democracy of late-fifth-century Athens. H. W. Pleket, 'The Archaic tyrants', in *Talanta* 1 (1969) 39-61 (for the specialist), is confined mainly to the tyrants in Athens, Corinth and Lesbos, with very full references to modern work. The most complete work on the Greek tyrants in general (going down to the fourth century) is Helmut Berve, *Die Tyrannis bei den Griechen* (Munich, 1967, two vols, some 800 pages).
18. The longest known tyranny is that of the Orthagorids (including Cleisthenes) of Sicyon, which is said by Arist., *Pol.* V.12, 1315<sup>b</sup>11-14, to have lasted a century.
19. Cf. the role of the rich Plebeians in the Roman 'Conflict of the Orders', briefly discussed in VI.ii above.
20. E.g. Peisistratus of Athens, Cypselus of Corinth is said to have had a mother belonging to the ruling Bacchiad aristocracy, who was lame and had therefore been married off to a commoner: see Andrewes, *GT* 45-9 (with 154 n.34).
21. Polyaeus, V.i.1; see e.g. Dübabin, *WG* 315. (There is an Eng. trans. of the Polyaeus passage on pp. 274-5 of the book by P. N. Ure mentioned in the next note.)
22. P. N. Ure, *The Origin of Tyranny* (1922).
23. Cf. my *OPW* 360. But in late-fifth-century Athens there were at least 1,000 Hippeis at any given time, and it has been suggested to me that I would have done better to speak of 'Jaguar owners' rather than 'Rolls-Royce owners' as the equivalent of the Hippeis at that time.
24. The French original of this book, *La Cité grecque* (Paris, 1928), was reissued a few years ago in a new edition (Paris, 1968) with supplementary notes and bibliography.
25. I use Diehl's edition and numbering of the fragments: see n. 12 above. The most relevant fragments are 1, 8, 10, 27, and esp. 3-5 and 23-5. I know of no complete account of Solon's outlook and activity that seems to me really satisfactory; but see Andrewes, *GT* 78-91; Forrest, *EGD* 143-74.
26. See esp. Solon frs. 5.1-6; 23.1-21; 24.18-25; 25.1-9 Diehl.
27. The main sources for Solon's laws on debt are of course Arist., *Ath. Pol.* 6.1 (cf. 9.1, 10.1, 11.2); Plut., *Sol.* 13.2, 5-6 (the account by Andronon, given in 15.3, is certainly to be rejected).
28. See esp. Thuc. VI.54.5-6; cf. Hdt. I.59.6; Arist., *Ath. Pol.* 16.2-9.
29. I hope to explain this elsewhere shortly.
30. See my *OPW* 37-40.
31. Even Peisistratus employed mercenaries in 546 (see Hdt. I.64.1 etc.), but he also had considerable support among the citizens: see esp. Hdt. I.62.1.
32. Cf. Arist., *Pol.* VI.7, 1321<sup>a</sup>11-21, esp. 19-21, cited in Section II of this chapter, at the end of § 5. I am sure this would not have been true before the late fifth century.

33. Cartledge gives very full bibliography. The article by A. M. Snodgrass, 'The Hoplite reform and history', is in *JHS* 85 (1965) 110-22. I cannot see that Cartledge's conclusions are at all weakened by J. Salmon's article, 'Political hoplites?', in *JHS* 97 (1977) 84-101, which however adds some interesting archaeological details. I am tempted to suggest that some useful results might be achieved, here as elsewhere, by comparative studies of comparable phenomena in other societies. (Great caution, of course, would be necessary, as always in such cases.) The most obvious parallel is the rise of the *signorie* in the Italian towns in the late Middle Ages (thirteenth to fifteenth centuries); but the situation there was totally different: see esp. P. J. Jones, 'Communes and despots: the city state in Late Medieval Italy', in *TRHS* (1965) 71-96. The history of the Italian towns, however, can in some respects illustrate the history of the Classical world: see in particular the admirable article by E. J. Bickerman, 'Some reflections on early Roman history', in *RFIC* 97 (1969) 393-408, esp. 402-5. I particularly like his wise remark on p. 406: 'The value of analogies is not probative, but illustrative, and, thus, heuristic. They can make us recognise aspects of facts which would otherwise remain hidden from us.'
34. I have in mind such passages as Hdts I.59.4; 60.3-5 (and parallels in later sources).

## [V.ii]

- King Darius I of Persia abandoned his support for Greek tyrants in 494, in theory, but they continued to appear in the Asiatic Greek cities and Aegean islands: see my *OPW* 37 ff.
- Perhaps the best general book on fifth-century Greece is now Édouard Will, *Le Monde grec et l'Orient, I. Le V<sup>e</sup> siècle, 510-403* (Paris, 1972).
- I have not been able to read the recent book by J. K. Davies, *Democracy and Classical Greece* (1978). Those who have not already studied the subject thoroughly would certainly benefit by beginning with Jones, *AD*, chapters III (esp. pp. 41-62) and V, describing respectively the ideology of the democracy and its practical working. See also Forrest, *EGD* (cf. V.i.n.17 above).
- Anyone looking for an ancient definition of the aims of Classical Greek *δημοκρατία* might begin with Arist., *Pol.* V.9, 1310<sup>a</sup>28-36 (note the hostile ending), and VI.2, 1317<sup>a</sup>40-517, both emphasising freedom and the ability to 'live as you wish'; cf. VI.4, 1319<sup>b</sup>27-32 (hostile again); also *Rhet.* I.8, 1366<sup>a</sup>4, where the objective, the *τέλος*, of democracy is *ἐλευθερία*, as wealth of oligarchy etc. See also, of course, Thuc. II.37-40 (esp. 37.2-3; 39.1; 40.2), 'Living as you wish' as a definition of personal freedom later became a commonplace, which we often find in literature, e.g. in Cic., *De offi.* I.70 (*vivere ut velis*); *Parad.* V.1.34 (*potestas vivendi ut velis*), occurring in a passage taking as its text the Stoic maxim that 'the wise man alone is free', and Epict., *Diss.* IV.i.1; Diog. Laert. VII.121 (*ἐλευθερία αὐτονομίας*).
- Jones, *AD*, ch. V (pp. 99-133, with the notes, 153-60), is still unsurpassed as a brief description of how the Athenian democracy worked in practice: it is a masterpiece of compression.
- It seems indeed that slaves may have been better treated in a democracy (at Athens anyway) than elsewhere: see the quotation from Plato, *Rep.* VIII, in the next paragraph of the main text above; and cf. Ps.-Xen., *Ath. Pol.* I.10-12 (a striking passage); Xen., *HG* II.iii.48 (where *οἱ δοῦλοι* may, I think, be an echo of the gift of citizenship to some of the slaves who fought for the Athenian democracy in 403); and other texts, e.g. those showing that a *γραφή ὑβρεως* could be brought by any Athenian (not only the master) against anyone who injured a slave (Aeschin. I.15-17; Dem. XXI.45-9; Athen. VI.266f-7a, citing also Hypereides and Lycurgus), and that the slave at Athens might obtain some protection against ill-treatment by taking asylum in a temple (the Theseum, and perhaps the shrine of the Semnai) and requesting to be sold to another owner (see Busolt-Swoboda, *GS* II.982-3).
- See, in addition to the passages cited in the text and in n.4 above, Thuc. VI.39; VII.69.2; Eur., *Suppl.* 349-53, 404-8, 438-41; *Ion* 670-5; *Hippol.* 421-3; Ps.-Lys. II.18-19, 55-7, 64-6, 68; Dem. XX.106 (contrast with Sparta); and many hostile ones in Isocrates, Plato and others, e.g. Isocr. VII.20; XII.131; Plato, *Rep.* VIII.557ab, 560e; IX.572e; *Laws* III.701ab, etc.
- The most recent treatment I have seen of *παρρησία* is by G. Scarpal, *Parthēsia. Storia del termine e delle sue traduzioni in Latino* (Brescia, 1964). The word first appears in the late fifth century, e.g. in Eur., *Hippol.* 422, *Ion* 672, 675, *Phoen.* 391; it is also found in Democ., DK 68 B 226. (Cf. Section iii of this chapter and its n.57.) I cannot follow here the later history of the word and will merely refer to the works cited by Peter Brown in *JRS* 61 (1971), at 94 and nn.171-2.

- Aristotle often recognises a connection between democracy and political equality. He takes it for granted that *οἱ δημοκρατοὶ* seek *τὸ ἴσον* for *τὸ πᾶν* (*Pol.* V.8, 1308<sup>a</sup>11-12; cf. V.1, 1301<sup>a</sup>26-31). In a passage critical of democracy which I have cited in n.4 above (*Pol.* V.9, 1310<sup>a</sup>28-36) he sees democracy as assuming that equality is just and identifying it with the sovereignty of *τὸ πᾶν*. He notes the opinion held by some that *ισότης* as well as *ἐλευθερία* can be attributed most of all to democracy (IV.4, 1291<sup>b</sup>34-5). In several passages, of which perhaps the most interesting is VI.2-3, 1317<sup>a</sup>40-18<sup>b</sup>5, he demonstrates how his own concern for the minority of property-owners prevents him from accepting the equality demanded by democrats.
- See many of the passages cited in nn.4 & 7 above. I am not fully satisfied with any of the treatments of *ισονομία* I have seen, the most recent of which are by Bořivoj Borecký, 'Die politische Isonomie', in *Étude* 9 (1971) 5-24; and H. W. Picket, 'Isonomia and Cleisthenes: A Note', in *Talanta* 4 (1972) 63-81. There is an admirably thorough discussion of the origin and meaning of the word by Martin Ostwald, *Nomes and the Beginnings of the Athenian Democracy* (1969) 96-136 (cf. 137 ff.), which nevertheless seems to me to seek for a greater precision than I would suppose possible. I accept Ostwald's view that *isonomia* is 'not a form of government but a political principle' (111, cf. 97, 116), 'the principle of political equality . . . not a constitutional form' (113), and I have therefore described democracy in the main text above as 'characterised by *isonomia*'. Ostwald rightly remarks that '*isonomia* comes closer than any other Greek word to expressing the modern notion of "rights" in the sense in which we speak of the "rights of man", "rights of a citizen", "Bill of Rights", etc.' (113 n.1). Interesting later uses of *ισονομία* include App., *BC* I.15/63; Marcus Aurel., *Medit.* I.14; for *ισονομία* and *ισονομία* see e.g. Dio Cass. XLI.17.3; XLIV.2.1. The best treatment I know of *ισονομία* is by G. T. Griffith, 'Isogoria in the Assembly at Athens', in *Ancient Society and Institutions: Studies presented to Victor Ehrenberg* (1966) 115-38; and see A. G. Woodhead, 'Isogoria and the Council of 500', in *Historia* 16 (1967) 129-40.
- This is a feature of democracy which its critics were naturally not fond of emphasising. Aristotle does not use the term *ὑπερβολή*, though he does refer to *ἐξουσία* in (for instance) *Pol.* II.12, 1274<sup>a</sup>15-18; III.11, 1281<sup>b</sup>32-4, 1282<sup>a</sup>12-14, 26-7; VI.4, 1318<sup>b</sup>21-2. Hdts III.80.6 speaks of *ὑπερβολὴς ἀρχή* as a characteristic feature of that *παῖς ἀρχὴν* which has 'the fairest name of all', *ισονομία*. (This is part of the so-called 'Persian debate', the earliest surviving discussion in any language of alternative forms of political constitution, which must be a literary fiction, originating, I believe, in the late sixth century or the early fifth.) Cf. VI.vi above, *ad mit.*, for the reflections of Dio Chrysostom on the fact that a monarch (such as the Roman emperor) is *ὑπερβολή*.
- This subject is well treated in brief by Jones, *AD* 50-4, and more recently it has been examined thoroughly by Hansen, in the valuable articles cited in II.iv n.18 above. For the elaborate procedure necessary in fourth-century Athens to alter fundamental laws, see C. Hignett, *A History of the Athenian Constitution to the End of the Fifth Century B.C.* (1952) 299-305. For Athens, against such passages as those referred to in II.iv n.21 above, see e.g. Aeschin. I.4 = III.6; Lys., *C. Loeas* 3-4; Dem. XXIV.3, 75-6 etc. (cited by Jones, *AD* 50-3). For the importance of *written* laws, enabling the poor to deal on terms of equality with the rich, see esp. Eur., *Suppl.* 433-7. I see no reason, by the way, why any Greek democrat should not have subscribed to the impassioned advocacy of the supremacy of the laws in Cic., *Pro Cluent.* 146.
- Perhaps I should just mention here *Pol.* V.6, 1306<sup>a</sup>12-19, where Aristotle envisages a situation in which there is an inner ring within an oligarchical *πολιτεία*, to the members of which certain offices are reserved. A good example is the Prolemaic constitution of Cyrene, for which see Section iii of this chapter and its n.8 below.
- See Arist., *Pol.* III.9, 1280<sup>a</sup>22-32; VII.8, 1328<sup>a</sup>33 ff.
- By far the best book I know on the history of ideas about property is Richard Schlatter, *Private Property. The History of an Idea* (1951). [Ad Att. I.xix.4 best reveals Cicero's attitude.]
- The standard book in English on Greek mercenaries is H. W. Parke, *GMS = Greek Mercenary Soldiers from the Earliest Times to the Battle of Ipsus* (1933); and see also G. T. Griffith, *The Mercenaries of the Hellenistic World* (1935).
- See the main text of II.iv, esp. the first part of the paragraph containing n.10.
- See my *OPW* 37-43, 98-9, 144, 157, 160-1. I take this opportunity of mentioning a neglected source which provides an intriguing little picture of the stasis in some of the Aegean islands - in this case, Paros and Siphnos - in 394 and the years following: Isocr. XIX (*Aegin.*) 18-20, 38-9.

- (This speech is the only genuine one we possess from the Classical period which was actually written for delivery to a court or assembly outside Athens, apart from Ps.-Herodes, *Peri politias*, mentioned in my *OPW* 35 n.65, if indeed that speech is not just a literary composition.)
19. See esp. Tod, *SGHI* II.100, with its notes, giving the literary material and much bibliography. (There is an Eng. trans. by Austin and Vidal-Naquet, *ESHAG* 271-3, no.70.) Add *IG II<sup>2</sup>* 2403; and *SEG XII* (1955) 84 = Daphne Hereward, 'New fragments of *IG II<sup>2</sup>*.10', in *BSA* 47 (1952) 102-117.
  20. *Lys.* VII.10 (from the 390s) shows a piece of land in Attica let out to a freedman, Alcias, at the turn of the century. In *Lys.* XII.8 ff. (esp. 18-19) Lysias and his brother Polemarchus, both metics, are in possession of three houses, one containing a large workshop. The dialogue in Plato's *Republic* takes place at the house of Polemarchus in the Peiraeus: see *Rep.* I.328b.
  21. An important reason for this (perhaps indeed the principal reason, although modern scholars seldom notice it) was that if a citizen held an office in which state funds passed through his hands (as they did in many cases) it was thought desirable that he should have sufficient property to make it possible for any funds he embezzled to be recovered from him. The only magistracy for which we know that a necessary qualification was membership of the highest property-class, the Solonian Pentacosiomedimnoi, was that of the Treasurers of Athena (*Arist.*, *Atk. Pol.* 8.1), who had charge of all the offerings made to the goddess, many of them in gold or silver.
  22. There is an excellent and clear description of the democratic organisation of the deme in the Inaugural Lecture by R. J. Hopper at Sheffield University in 1957, *The Basis of the Athenian Democracy* (Sheffield, 1957) 14-19, with 23-4 nn.86-152. For the specialist, a very full account of the demes, tribes etc. is given by J. S. Traill, *The Political Organisation of Attica. A Study of the Demes, Trittyes and Phylai, and their Representation in the Athenian Council* = *Hesp.*, Suppl. XIV (1973).
  23. Sufficient information, with the necessary references, is given by Jones, *AD* 5-6 (with 136-7 nn.3-14), 17-18, 49-50 (with 145 nn.36-44), 80-1 (with 150 nn.19-23). On pay for magistrates, see M. H. Hansen, 'Misthos for magistrates in Classical Athens', in *Symbolae Osloenses* 54 (1979) 3-22.
  24. Against Finley's assertion that political pay was given only by Athens, as a consequence of her empire, I adduced in my *PPOA* a whole series of passages from Aristotle's *Politics*, proving beyond doubt that in the fourth century B.C. political pay was not only given at Rhodes (specifically mentioned in *Pol.* V.5, 1304<sup>a</sup>27-31) but was a characteristic feature of Greek democracies; and I also showed that political pay continued in Rhodes into the Roman period and existed in Hellenistic times in at least one other city, Iasos. In his chapter on the Athenian empire in *Imperialism in the Ancient World*, ed. P. D. A. Carnsey and C. R. Whitaker (1978) 103-26, 306-10, Finley misconceives this evidence and tries to brush it aside. 'That Rhodes occasionally paid for some offices in the late fourth century and perhaps in the Hellenistic period [sic Dio Chrysostom scarcely belongs to the Hellenistic period], and Hellenistic Iasos, too, and that Aristotle made some general remarks on the subject of pay in the *Politics*, completely misses the force of my argument', he says (310 n.53, my italics). Arguments flatly contradicted by the evidence are unimpressive, however much 'force' their authors may imagine them to have. That Aristotle 'made some general remarks on the subject of pay' is an ingenious understatement of what Aristotle says, amounting to misrepresentation. In particular, as I showed in *PPOA*, Aristotle makes it perfectly clear in a whole series of passages that in his day political pay, for Assembly and courts, was characteristic of what he sometimes calls 'extreme' democracies (cf. II.iv and its n.19 above): 'many', he says, had already been overturned by the unfortunate methods they had been driven to adopt in order to provide the necessary funds, and so on; at least two passages do not reflect the situation at Athens. (My point remains valid even if we regard 'many' as a probable exaggeration and prefer to think in terms of 'some'.) Moreover, since in *PPOA* I tried not to be too severe on Finley's mistake, I did not emphasise, as perhaps I should have done, that one of the two major types of political pay at Athens, that for attending the Assembly, was first introduced only after the fall of the empire, and was subsequently increased several times. Attacking Jones (*AD* 5-10), Finley says that he 'tried to falsify' the proposition Finley himself supports 'by pointing to the survival of pay for office after the loss of empire, and he has been gleefully quoted by scores of writers' (ibid. 310 n.54, my italics). This is inexcusably misleading. Finley suppresses the force of Jones's argument when he speaks of him as pointing to the survival of pay after the loss of empire: Jones's actual words

- (*AD* 5) refer not to 'survival' but to 'a new and important form of pay, that for attendance in the Assembly' (cf. M. H. Hansen, in *GRBS* 17 [1976], at 133). To represent Jones as speaking of 'survival' is disingenuous – but of course it is essential to Finley's argument, in the second half of his n.54, that there should be mere 'survival'. Incidentally, Finley speaks again and again of 'pay for office' (four times, ibid. 122 and 310 nn.53-4) and of nothing else. But pay for what is usually meant by 'office' was relatively unimportant (see Hansen, as cited in n.23 above); what mattered was pay for attending the courts and Assembly, and the Council. Athens may well have been the first Greek democracy to make this bold innovation, and her imperial revenues will of course have made the introduction of pay for courts and Council less of a burden than it would otherwise have been; but it is certain both that she herself, after the fall of her empire (when she was in a relatively much worse financial position), continued the existing forms of political pay and introduced a major new one (for attending the Assembly), and that a number of other democracies followed her example, at any rate in the fourth century.
25. A recent work on this subject is W. R. Connor, *The New Politics of Fifth-Century Athens* (1971). It is astonishing to find Claude Mossé repeating the contemporary allegations that 'Cléon est tanneur, Hyperboles, fabricant de lampes, Cléophon, luthier', without contradicting them (in Édouard Will, Claude Mossé and Paul Goukowsky, *Le Monde grec et l'Orient, II. Le IV<sup>e</sup> siècle et l'époque hellénistique* [Paris 1975] 105).
  26. I need not discuss the Athenian empire in this book, as I have already expressed my views about it in *OPW* 34-49 (also 298-307, 308, 60 with 315-17); cf. my *CAE* and *NJAE*. The 'standard work' on the empire is now Russell Meiggs, *AE = The Athenian Empire* (1972), a major book of well over 600 pages. I have seen only one more recent book on the subject, Wolfgang Schuller, *Die Herrschaft der Athener im Ersten Antischen Seehand* (Berlin/New York, 1974). On this I should perhaps record the judgment of D. M. Lewis, in his review in *CR* 91 = n.s.27 (1977) 299-300: 'I have learnt virtually nothing from it, and he very seldom comes to a different conclusion on an issue from that already reached by Meiggs.' Schuller's subsequent (and quite short) monograph, *Die Stadt als Tyrann – Athens Herrschaft über seine Bundesgenossen* (Konstanz, 1978), seems to me to have mainly bibliographical value. A great deal that has been written against the position I have adopted rests either upon misrepresentation (usually quite innocent) of the little evidence we have or upon dismissal or suppression of it. There is a nice example of the former tendency in a recent article, 'The commons at Mytilene', in *Historia* 25 (1976) 429-40, by H. D. Westlake, a scholar who has made several useful contributions to fifth-century history. In *OPW* 40-1 I emphasised that in the case of Mytilene in 427, as in many others, we can see 'a marked difference of attitude towards the imperial city between the ruling Few and the mass of lower-class citizens'. Commenting on the mutiny of the Mytilenaeans demos (in Thuc. II.27.2 to 28.1), I pointed out that 'it would be very simple-minded to interpret their one immediate demand (for a general distribution of the little remaining food) as the sum total of what they wanted. The fact that the Mytilenaeans oligarchs did not see fit to comply with their very reasonable request but incontinently surrendered at discretion... is a sufficient indication that they took the first demand of the demos at more than its face value, and realised that the lower classes could not be relied upon to fight, even if that first demand were met.' Westlake, who otherwise ignores what I have written about the revolt, does refer briefly at one point to the first sentence I have just quoted about the mutiny from *OPW* (suppressing the second, which explains and justifies it); but he blandly dismisses it with the words, 'According to Thucydides, they rose because they were hungry' (432 & n. 12, my italics). In reality, that the demos took the step they did because they were hungry is precisely what Thucydides does not say, although of course he could easily have done so, had it been a fact (cf. only III.27.1). What he does say is that the demos told the men in power that they wanted the remaining corn to be shared out among everyone, or else they would themselves come to terms with Athens and hand over the city. Westlake's misquotation of Thucydides (for that is what it is) begs the essential question at issue: it assumes gratuitously that what I would see as a perfectly natural first move on the part of the demos represented its sole objective. Now the demos, which could have had no earlier opportunity to organise itself, had just become able to act in concert (note the *συν-μαχίαν* in 27.3) for the first time. It very sensibly put forward two alternative demands, surely representing the main objectives of two groups: those who were mainly concerned about their own hunger, and those who actually desired a surrender to Athens. The narrative of Thucydides gives a clear indication that it was the second group that really mattered. We can be sure of this, for two different reasons. First, the ultimatum of the

demos did not just say, as one might have expected, 'Divide up the food, or we won't fight'; the alternative was very much stronger: 'or we shall betray the city'. And secondly, the oligarchs could perfectly well have solved the immediate problem by complying with the first alternative (a very reasonable one in itself, as the demos were now being asked to fight), had they not realised, as they evidently did, that the initial demand was only an opening move, and that it was the second alternative alone which would satisfy the dominant section of the demos. Confronted with two alternatives, they did not comply, as they could have done, with the far less unpleasant first one; they realised they had to accept the second alternative, terrifying as it was to their leading members (28.1). It does seem to me 'simple-minded' not to recognise that this is exactly what Thucydides intended to convey: I find no ambiguity in it. In *OPW* I was concerned to make the valid point that on this occasion (as on so many others we know about) 'there were two distinct groups, with two very different attitudes to revolt: one was determinedly hostile to Athens, the other uninterested in fighting for a "freedom" which would benefit not themselves but their rulers' (cf. II.iv above). Westlake has pointed out that there are several cases in which Thucydides 'omits to provide any clear guidance on a question of some substance': his favoured explanation is a lack of information on Thucydides' part. So it may often be, and so it may be even in this case. But Thucydides' silences are sometimes due to his justifiably assuming in his contemporary readers knowledge which may not always be immediately apparent to everyone nowadays. (An excellent example of this is his failure to specify the Peloponnesian route into Attica in 431, on which see my *OPW* 7 n.7.) Thucydides shows throughout his work an awareness of the cleavage within many cities of the Athenian empire between upper classes who were deeply opposed to Athenian dominance and others who either preferred it (mainly, I believe, because of the democracy it might make possible for them) or were at least indifferent about it and disinclined to resist it. He knew perfectly well that this was common knowledge among the educated Greeks of his day, who would not need to have the situation spelt out for them on every occasion. He could well afford, therefore, to make Cleon give what his readers would perceive as a misrepresentation of the facts about Mytilene (III.39.6), since he had sufficiently countered Cleon's statement in advance (27.2 to 28.1) and was to reinforce his narrative with an even more explicit passage in the speech of Diodotus (47.2-3). I must add that Westlake's article is at least very much better than those of Bradeen, Legon and Quinn, to which he refers in his un. 1, 12 etc. The best treatment of the revolt of Mytilene is still that of Gillis, cited in *OPW* 34 n.64, 40 n.77. [It seems convenient to add a reference here to a very courageous and thought-provoking article by Gillis, which I saw only after this section was finished: 'Murder on Melos', in *Istituto Lombardo (Rend. Lett.)* 112 (1978) 185-211.]

27. Sir Moses Finley, in his disappointing chapter (5), 'The fifth-century Athenian Empire: a balance-sheet', in *Imperialism in the Ancient World*, ed. P. D. A. Garnsey and C. R. Whittaker (1978) 103-26, says, 'The puzzle is that we are unable to specify how the upper classes could have been the chief beneficiaries. Apart from the acquisition of property in subject territories, I can think of nothing other than negative benefits' (125); he seems to have in mind principally freedom from high taxation. But here, as so often, a glance at the fourth-century evidence can be illuminating. For example, (1) Aeschin. I. 107 alleges that Timarchus had secured the post of archon in Andros (doubtless during the 'Social War' of 357-5) by means of a bribe of 30 minae, a sum which he had borrowed at 18 per cent. This may of course be a baseless slander, but it suggests that the Athenian archon of a large island even in the mid-fourth century (when Athenians could hardly 'throw their weight about' as much as in the fifth) might expect to make a substantial profit, and that a jury would not think it unreasonable if this were estimated at well over half a talent. And (2) in Tod. *SGHI* II.152, Androtion (the Attidographer and politician), who had been Athenian archon of Arcesine on Amorgos during the same war, gains the valuable privilege of becoming hereditary Athenian proxenos of Arcesine, a post which might be both financially lucrative and politically advantageous: see esp. S. Perlman, 'A note on the political implications of Proxenia in the fourth century B.C.', in *CQ* 52 = n.s.8 (1958) 185-91. This was his reward for lending Arcesine money, free of interest, with which to pay the garrison (almost certainly voted, incidentally, by the allied *synedon*: see lines 24-5, with 156, lines 9-12). Other Athenian governors and phourarchs, in the fifth century as well as the fourth, may well have taken the opportunity to lend money to the cities they governed, at a handsome rate of interest. Androtion had also 'not made a nuisance of himself to citizens or visiting foreigners': this was unusual enough to attract comment, and reward! I must add that

what Thuc. VIII.48.6 has in mind is evidently in particular (because of the words *ποριστὰς δίκας καὶ ἐρηγίας τῶν κοινῶν τοῦ δήμου*) motions proposed and carried in the Assembly by the *καλοὶ κέρυβες* he is making Phrynichus refer to – surely including such things as appointments of each other as archons, phourarchs, ambassadors etc. This makes it unlikely that 'the acquisition of property in subject territories' referred to by Finley (see the beginning of this note) was in Thucydides' mind when he wrote VIII.48.6. But of course such acquisitions may nevertheless have greatly benefited individual Athenians. (Here I hold to the suggestions I made in *OPW*, in spite of the comments of Finley, *op. cit.* 308 n.37, who gives a false page reference to that book: 245 instead of 43-4.) Since the list in 'Table B: property abroad sold by Poletai' by W. K. Prichett in *Hesperia* 25 (1956) 271 is necessarily incomplete, I give here for convenience a list of all the passages concerned that I have been able to identify in the 'Attic Stelai' published by Prichett in *Hesperia* 22 (1953) 240-92: Stelai nos. II.177-9, 311-14; IV.17-21/2; VI.53-6, 133; VII.78; VIII.3-5, 5-7 and probably 8-9; X.10-11 and conceivably also 33-6. The quantity of property on Euboea owned by proscribed Athenians, at Leonton, Diros, and Gerastos (II.177-9, 311-14; IV.17-21/2), mostly by Oionias son of Oionochares of Aene, may be due to the *epigonia* between Athens and Euboea mentioned by Lys. XXXIV.3. Other items of property outside Attica, belonging to the proscribed, were at Abydos, Ophryneion, Thasos and Oropos.

28. See Plut., *Arist.* 13 (480-79); Thuc. I.107.4 (458 or 457); Arist., *Ath. Pol.* 25.4 and other sources (462/1). The conspiracy of 480-79 will be dealt with by David Harvey, 'The conspiracy of Agasias and Aischines', an article to be published shortly in *Phoenix*. (I am grateful to him for kindly allowing me to read a draft of this paper before publication.)
29. This is made clear by Arist., *Pol.* V.4, 1304<sup>ab</sup> ff., esp. 11-15, a passage which is all the more important in that the account in Aristotle's *Ath. pol.* 29-33 is totally different. The *Politics* passage, treating the case of the Four Hundred as a classic example of revolution procured by deceit and maintained by force, is surely based upon Thucydides (whom Aristotle never once quotes by name but had of course read: cf. my AHP), for although Thucydides does not say in so many words that Peisander & Co. did not reveal, on their return to Athens in the spring of 411, that they knew there was now no hope of obtaining money for the war from the King and Pharnabazus and Tissaphernes, Alcibiades having proved to be a broken reed, he clearly takes this for granted, also that the existence of the Spartan-Persian treaty concluded in about April 411 (VIII.58) was not known at Athens. The *Ath. pol.* account, on the other hand, has only a brief mention (in 29.1) of an Athenian expectation 'that the King would fight with them rather [than the Spartans], if they put their constitution into the hands of a few'. I would suppose that it was reading the speech of Anaxiphon in his own defence (so much admired by Thucydides: see VIII.68.1-2) and/or the *Atthis* of Androtion (son of Andron, a leading member of the Four Hundred; which made Aristotle change his mind about the coming to power of the Four Hundred. (The belief that Alcibiades might be able to swing Persian financial assistance over to the Athenian side was evidently by no means as foolish at the time as it may now appear to us, for even the highly intelligent Thrasylbulos held it: see Thuc. VIII.81.1; and cf. 52, lines 29-30 OCT, where Thucydides represents Tissaphernes as very ready to be persuaded by Alcibiades to become the friend of Athens.)
30. This is indeed a cardinal fact. I did not bring it out sufficiently in my CFT, the argument of which it supports. (It is also very damaging to the theory of Rhodes, mentioned below, as I shall explain.) There are two vitally important passages in the admirable account, in Thuc. VIII.53-4, of the Assembly to which Peisander presented his proposals on the first of his two visits to Athens in 412-11: the one in (probably) January 411. In 53.3 Thucydides makes Peisander speak of 'a more moderate form of constitution' and 'committing to a few the offices' (the *ἐπὶ τὰς*) – not, I would point out, the franchise. Thucydides then represents Peisander as saying that 'Later on it will be possible for us to change back again, if we are not completely satisfied' (53.3 still); and in 54.1, speaking in his own person, Thucydides says that the demos, although at first they did not at all like what was proposed about an oligarchy, nevertheless gave in eventually, being assured by Peisander that there was no other means of salvation, 'and being in a state of fear, and at the same time expecting too that there would be a change back again'. The *μεταβολὴν* in 53.3 and *μεταβληταί* in 54.1 show that the Athenian masses imagined that if things went badly they would be able to vote the democracy back into existence again: they failed to realise that the oligarchs' plan was to deprive them of the franchise altogether – as happened at Colonus. Thuc. VIII.67.3, with Arist., *Ath. Pol.* 29.5. In

fact it took another revolution to get rid of the Four Hundred, in which 'many of those from Peiraeus' played a part, with the bulk of the hoplites: see my CFI 9. P. J. Rhodes, 'The Five Thousand in the Athenian revolutions of 411 B.C.', in *JHS* 92 (1972) 115-27, at 121 and 123-4, prefers his own fancies to the narrative of Thucydides: he suggests that Thucydides 'ought not to be regarded as infallible', that Thucydides 'may have been wrong' – and of course Thucydides *has* to be very wrong if Rhodes's picture is to stand. Given the choice between Thucydides and Rhodes, we must unhesitatingly prefer Thucydides. It is a pity that Rhodes paid no attention at all to the passages I have emphasised in *Time*, VIII.53-4, which show clearly the mood of the demos at the beginning of the events in 411, seen again in the narrative in VIII.92.4-11, 93, 97.1. I would again emphasise that in the decisive episode in the struggle against the oligarchs, namely the destruction of the wall at Eetionia, 'the hoplites and many of those from the Peiraeus' quite naturally spoke of their objective as the coming to power of the Five Thousand rather than full democracy simply from prudence and the fear that 'the Five Thousand' (still unknown and actually non-existent) might be able to take power and frustrate them (92.10-11). They were 'afraid', says Thucydides (92.11, line 7 OCT), 'that the Five Thousand really existed' and that anyone they spoke to might be a member of that body. Thucydides evidently had no doubt that those who were resisting the Four Hundred, or at any rate the great bulk of them, had no hankering for another oligarchy, even if it consisted of 5,000 and was therefore more broadly based than the existing narrow oligarchy of the Four Hundred.

31. See my CFI. In the preceding note I have mentioned one reason why the attempt of Rhodes to substitute a different picture for that of Thucydides is a failure. I may be able to deal with the subject elsewhere rather more fully. Here I will only add that there is a patent fallacy in Rhodes's attempt to explain away *Thuc.* VIII.97.2. He admits (122) that I am right in saying that 'in contexts of this kind the Many are not any kind of numerical majority but specifically the lower classes' (cf. II.iv above), but he then tries at once to evade the disastrous consequences of this admission. Although he rejects my general interpretation, he carefully refrains from giving his own translation of VIII.97.2; and he ends up with a curious picture of a constitution having 'one feature characteristic of constitutions giving power to the Few' (in that there was, as he thinks, 'a property qualification for active citizenship': the hoplite census), and 'one characteristic of constitutions giving power to the Many', which he proceeds to identify as 'real sovereignty in the hands of the assembly rather than the *boule*' (123, my italics). This reveals the fatal weakness in Rhodes's position. The first feature, the 'characteristic of constitutions giving power to the Few' (that is, the alleged property qualification for the exercise of political rights), would be perfectly all right, if it were a fact. (Of course I do not believe there was a property qualification for the franchise itself, the exercise of bare political rights, although I agree that being at least a hoplite was a qualification for exercising effective day-to-day control of the operation of the political system, of *in poiouonta*, *Thuc.* VIII.97.1.) But Rhodes's 'characteristic of constitutions giving power to the Many' is completely bogus in this context. The vital fact, which wrecks his interpretation (but is liable to escape anyone who does not scrutinise the argument carefully), is that the Assembly, on the 'real sovereignty' of which he lays stress, is, on his picture, a straight oligarchic Assembly, *completely excluding all the Thetes* who on any interpretation (even his own) must form at least the bulk of the Many! In reality, then, on his interpretation, the Many (or at any rate the bulk of the Many) get *nothing whatever*. Of course, it could be said that an oligarchy which allows all the oligarchs some say is 'more democratic', at least in a Pickwickian sense, than one which sets up a *boule* (like the Four Hundred) as an all-powerful minority ruling within the *politeuma*. But this involves a refusal to think in terms of Thucydides' Few and Many, and a determination to substitute different categories: oligarchy and democracy, which of course Thucydides might have used in 97.2, but did not. There is much more to be said on this question, in particular about the significance of the word *oligarchia*; but this must wait for another occasion.

32. See my *OPW* 144, 157, 343. The decisive passage, showing that Lysander was able to force the Athenians to set up the Thirty by threatening to punish them (doubtless by mass enslavement) for breaking the peace terms, by not pulling down the Long Walls and the Peiraeus walls in time, is *Lys.* XII.71-6, esp. 74; and cf. *OPW* 157 n.180.
33. Paul Cloché, *La restauration démocratique à Athènes en 403 avant J.-C.* (Paris, 1915).
34. See *Arist.*, *Arh. pol.* 40.3; *Lys.* XII.59; *Xen.*, *HG* II.iv.28; *Isocr.* VII.68; *Dem.* XX.11-12. The matter is discussed by Cloché, *op. cit.* 379-83.

35. It was only after this chapter was finished that there appeared an account of Philip II which must now rank as the best and most useful over all, by G. T. Griffith, in N. G. L. Hammond and Griffith, *A History of Macedonia, II. 530-336 B.C.* (1979) 201-646, 675 ff. Griffith was not able to take account of two earlier books: J. R. Ellis, *Philip II and Macedonian Imperialism* (1976), which retains some value, and G. L. Cawkwell, *Philip of Macedonia* (1978), representing a point of view very different from my own. The best book on the Second Athenian Confederacy is Silvio Accame, *La lega ateniese del sec. IV a.C.* (Rome, 1941). By far the best recent discussion of the Confederacy is the article by G. T. Griffith, 'Athens in the fourth century', in *Imperialism in the Ancient World* (for which see n.27 above) 127-44 (with the notes, 310-14): this is less inclined than most modern treatments to judge Athens by standards much harsher than those applied to other Greek states (cf. my *OPW* 33-4). For the events that occurred during this period, F. H. Marshall, *The Second Athenian Confederacy* (1905), although out of date, is still of some use, especially if read with Tod, *SGH* II.
36. I cannot discuss this here, but I may say that I believe it was the appearance of Philip in October 352 at Heraion Teichos (*Dem.* III.4) that made Demosthenes realise how dangerous he could be to Athens, for he was now much further to the East than he is known to have taken an army earlier, and he could be seen as a threat to the two bottle-necks on the Athenian corn-route from the Crimea: the Dardanelles and the Bosphorus (see my *OPW* 48). That Demosthenes had not sufficiently recognised the danger of Philip earlier is evident from his speech XXIII, which in its present form seems to date from 353/2.
37. The following is the list of passages concerned. A few of the most important are italicised. (1) *B.C.* 389-8 (Thrasylbus in the eastern Aegean): *Xen.*, *HG* IV.viii.27-31; *Diod.* XIV.94.2; 99.4; *Lys.* XXVIII.1-8, 11, 12, 17; cf. *XXIX*.1-2, 4, 9; *XIX*.11; and cf. Tod, *SGH* II.114.7-8; *IG* II.24A.3-5; *Dem.* XX.60. (2) *B.C.* 375-4 (Timotheus at Corcyra): *Xen.*, *HG* V.iv.66 (cf. VI.ii.1); *Isocr.* XV.108-9; *Ps.-Arist.*, *Oecon.* II.ii.23b, 1350-30-4. (3) *B.C.* 373 (Timotheus' second Periplois): *Xen.*, *HG* VI.ii.11-12; *Ps.-Dem.* XLIX.6-8, 9-21 (esp. 9-12, 13, 14-15). (4) *B.C.* 373-2 (Iphicrates at Corcyra): *Xen.*, *HG* VI.ii.37 (in spite of 60 talents booty: *Diod.* XV.47.7; cf. *Xen.*, *HG* VI.ii.36); cf. *Polyaen.* III.ix.55 (and 30?). (5) *B.C.* 366-4 (Timotheus at Samos and in the Hellespont and north Aegean): *Isocr.* XV.111-13; *Ps.-Arist.*, *Oecon.* II.ii.23a, 1350-23-30; *Polyaen.* III.x.9, 10 (Samos), 14 and perhaps 1 (Olynthus); *Nepos*, *Timoth.* 1-2. (6) *B.C.* 362, September, to 360, February (Apollodorus' trierarchy): *Ps.-Dem.* L.7-18, 23-5, 35-6, 53, 55-6. (7) *B.C.* 356-5 (Chares and Anabazus): *Diod.* XVI.22.1-2, with *Plut.*, *Arat.* 16.3; *FGH* 105.4; *Schol.* *Dem.* IV.19 and III.31; *Dem.* IV.24; II.28; *Aeschin.* II.70-3; *Isocr.* VII.8-10; cf. *Dem.* XIX.352. (8) *B.C.* 342-1 (Diogenes at the Hellespont): *Dem.* VIII.8-9, 19, 21-8, 46-7; *Ps.-Dem.* XII.3. (9) General: *Dem.* III.20; XVIII.114; XXIII.61, 171; *Aeschin.* II.71; *Xen.*, *Mem.* III.iv.5.
38. See Rostovtzeff, *SEHWW* I, ch.ii, esp. 92-4, with the notes, III.1327-8 nn.23-6.
39. See Rostovtzeff, *SEHWW* I.94 ff., esp. 104-25, with the notes, III.1328-37 nn.27 ff.
40. Claude Mossé, *La fin de la démocratie athénienne* (Paris, 1962) 123-32, esp. 127-8. The theory is criticised by Austin and Vidal-Naquet, *ESHAC* 141, but not quite fairly, for Rostovtzeff's evidence is not confined almost entirely, as these authors imply, to pottery: it includes also coins, jewellery, metal-work, tiles, textiles, wine and olive oil.
41. See Parke, *GMS* 227, who very plausibly estimates that 'between 399 and 375 B.C. there were never less than 25,000 mercenaries in service, and later the average number must have remained about 50,000'.
42. See esp. *Isocr.* IV.146, 168; V.121-3; VII.24; and cf. the preceding note.
43. *Plato*, *Laos* I.630b; cf. the next note (44).
44. *Isocr.* VIII.43-6; cf. V.126-1; *Épist.* IX (*Ad Archid.*) 8-10; *Dem.* IV.24; XXIII.139.
45. For the social roots of Isocrates' whole attitude, see further on in the main text above and n.53 below.
46. First, the *Olympic Oration* of Gorgias, on *Hippias*: see Diels-Kranz, *FS<sup>2</sup>* II no.82, A 1 § 4 (from *Philost.*, *VS* I.9), and B 8a. This speech is probably to be dated 392: see Beloch, *GG* IIP.1.521 & n.3, in an *Epitaphios* delivered at Athens. Gorgias also asserted that 'victories over barbarians demand hymns, but over Greeks, dirges', and stressed Athens' victories over the Persians: *FS<sup>2</sup>* II no.82, A 1 § 5 (from *Philost.*, *Ibid.*), and B 5b. Secondly, *Lys.* XXXIII (esp. §§ 6, 8-9), which is dated 388 by *Diod.* XIV.109.3, but is more probably of 384: see Grote, *HG* VIII.70, 72 n.2; IX.34 n.1. Isocrates took up this theme in 380, and returned to it again and again until his death in 338. At first, in 380, he wanted Athens and Sparta jointly to

- lead the crusade (IV, esp. 3, 15-16, 173-4, 182, 185). In the late 370s he may have had hopes of Jason of Pherae (see V.119; cf. Xen., *HC* VI.1.12). In c. 368 he appealed to Dionysius I of Syracuse (*Epist.* I, esp. 7), and in c. 356 to King Archidamos III of Sparta (*Epist.* IX, esp. 8-10, 17-19). From 346 onwards he concentrated on King Philip II of Macedon: from that year comes his *Orat.* V (see esp. 9, 12-16, 30-1, 95-7, 120-3, 126, 130); in 342 he wrote his *Epist.* II (see esp. 11), and in 338 *Epist.* III (see esp. 5). Cf. Isocr. XII.163.
47. The best treatment of these events is still G. T. Griffith, 'The union of Corinth and Argos (392-386 B.C.)', in *Historia* 1 (1950) 236-56. More recent articles have added nothing of real value.
- 47a. At the end of 1979, after this chapter was finished, there appeared what is now the best book on early Sparta: Paul Cartledge, *Sparta and Lakonia. A Regional History 1300-362 BC*.
48. See e.g. Xen., *HC* IV.viii.20; VI.iii.14; VII.1.44; cf. Diod. XV.45.1 etc. For particular examples, see e.g. Xen., *HC* III.iv.7; V.i.34; II.7, 36; iv.46; VI.iii.8; iv.18; VII.1.43; Diod. XV.40.1-3; 43.2-4, 46.1-3 etc.
49. R. P. Legon, 'Phliasian politics and policy in the early fourth century', in *Historia* 16 (1967) 324-37. At 335-7, Legon simply assumes, without the least justification, that 'the citizens' (οἱ πολῖται) thrice mentioned by Xenophon (*HC* VII.ii.7-8) as successfully repelling an attack by democratic exiles and their allies in 369, were the whole body of Phliasians, whereas of course there is no need to suppose that they were anything but the oligarchic body who were now the only 'citizens' in the full sense (the *politeuma*), set up as a result of the Spartan King Agesilaus' intervention some ten years earlier (cf. Legon, op. cit. 332-4). The oligarchs alone would be armed as hoplites, and they must have numbered over 1,000 (see Xen., *HC* V.iii.17) - more than enough to cope with the small invading force of c. 600, even though these were aided (VII.ii.5) by 'traitors' inside the city. I may add that the most recent treatment I have seen of Phliasian politics, namely L. Piccirilli, 'Finire e il presunto colpo di stato democratico', in *ASNP* 4 (1974) 57-70, does not deal with the events of 369, but has a useful bibliography on early fourth-century Phlius.
50. For the evidence concerning Clearchus, see S. M. Burstein, *Outpost of Hellenism: The Emergence of Heraclea on the Black Sea = Univ. of California Publications: Class. Stud.* 14 (1976) 47 ff., esp. 49-65 (with 127-34). Among earlier accounts, see T. Lenschau, in *RE* XI.1 (1921) 577-9; Helmut Berve, *Die Tyrannis bei den Griechen* (München, 1967) I.315-18; II.679-81; Glotz-Cohen, *HC* IV.1.17-19. See also Jacoby, *FGH* III b (Kommentar, 1955), on the fragments of Memnon, his no. 434.
51. Xen., *HC* VII.1.44-6; II.11-13; III.2-12; Diod. XV.70.3.
52. *IG* II<sup>2</sup>.448 = *SIG* 310 (323/2 B.C.) + 317 (318/17 B.C.); see esp. *SIG* 310 n.7.
53. Isocrates was trierarch at most three times, apparently on each occasion jointly with his son: Isocr. XV.145. See Davies, *APF* 245-8. The two most illuminating treatments of Isocrates in any language are those of Baynes, *BSOE* 144-67; and Minor M. Markle, 'Support of Athenian intellectuals for Philip', in *JHS* 96 (1976) 80-99. See also Fuks, *ISESG*.
54. See, however, Thuc. V.4.2-3 (Leontini, c. 422 B.C.).
55. I know of no really satisfactory general treatment of this subject. A. Passerini, 'Riforme sociali e divisioni di beni nella Grecia del IV sec. a.C.', in *Athen.* 8 (1930) 273-98, is useful only as a collection of material; cf. his 'I moti politico-sociali della Grecia e i Romani', in *Athen.* 11 (1933) 309-35, where again the interpretation given to some of the sources utilised can be very faulty. There are two good general collections of evidence by David Asheri: *LGPD* and *Distribuzioni di terre nell'antica Grecia* (= *Mem. dell'Accad. delle Scienze di Torino*, ser. IV.10, Turin, 1966). Among the interesting fourth-century texts mentioning both redistribution of land and cancellation of debts are Dem. XXIV.149 (the Athenian heliastic oath); Plato., *Rep.* VIII.565e-6a, 566c; *Laus* III.684de; V.736cd; Isocr. XII.258-9; and Ps.-Dem. XVII.15 (cited in the main text above, at the end of the paragraph following the one from which this note comes). I must not step aside to list the later sources here, but I should like to mention Justin XVI.4v.2 ff. (see above and n.50), and the 'oath of Itanos' in Crete, *SIG* 526 = *IC* III.iv.8 (see lines 21-4), of the early third century. As late as the Flavian period Dio Chrysostom could congratulate the Rhodians because their laws provided for the most stringent penalties against both the practices I have been mentioning (XXXI.70). For the redistribution of land, see for the fourth century Aristotle, *Pol.* V.5, 1309<sup>a</sup>14-17; cf. III.10, 1281<sup>a</sup>14-24; V.5, 1305<sup>a</sup>5-7; VI.3, 1318<sup>a</sup>24-6; *Ath. pol.* 40.3; Ps.-Arist., *Rhet. ad Alex.* (= Anaximenes, *Ar. Rhet.*) 2.17, 1424<sup>a</sup>31-5; *SIG* 141.10-11 (from Coreyns Melaina/Nigra). The best-attested cancellation of debts since Solon's, that in 243 B.C. by King Agis IV of Sparta, has recently been discussed by Benjamin

- Shimron, *Late Sparta. The Spartan Revolution 243-146 B.C.* (= *Arethusa Monographs* 3, Buffalo, N.Y., 1972), esp. 9-26. Plut., *Cleom.* 17.5 is particularly significant for its mention of the hopes of distribution of land and cancellation of debts raised (and disappointed) in other parts of the Peloponnese by the campaigns of Agis' successor, Cleomenes III, in the 220s. And see Section III of this chapter and its n.14 for the revolution at Dyme in Achaea in the late second century, and one or two later attempts to destroy evidence of indebtedness by the burning of public archives.
56. Xen., *HC* VII.ii.1. There is quite a good Eng. trans. in the Loeb edition (1923), and a critical edition, *Aeneas on Siegescraft*, by L. W. Hunter, rev. S. A. Handford (1927, with text and commentary; and see the introduction, pp. ix-xxvii). See also H. Bengtson, 'Die griechische Polis bei Aeneas Tacticus', in *Historia* 11 (1962) 458-68. In my opinion, the work was most probably written in the early 350s.
57. Aen., *Tact.* I.3, 6-7; II.1, 7-8; III.3; V.1, 2; X.3, 3-6, 15, 20, 25-6; XI.1-2 (with 3-6, 7-10, 10a-11, 13-15); XIV.1-2; XVII.1 (with 2-4, 5); XVIII.2 ff., 8 ff.; XXII.5-7, 10, 15-18, 19, 20, 21; XXIII.6, 7-11; XXVIII.5; XXIX.3-4 ff.; XXX.1-2. Among other works providing evidence of a similar situation in the fourth century, see Isocr. VI (*Archid.*) 64-8, esp. 67 (dating from c. 366).
58. Demosthenes habitually attacks his opponents at Athens and elsewhere, sometimes with justice and sometimes not, as having been bribed by Philip II. Among the passages in question, see I.5; V.6-8; VI.29-36; XIX.10-13, 94, 113, 139, 145, 167-8, 207, 222-3, 229-33, 259-62, 265-8, 294-5, 305-6, 329 etc.; IX.54, 56; XVIII.21, 33-6, 41, 45-8, 50-2, 61, 132-3, 136-7, 295 etc. The reply of Polyb., XVIII. xii.1 to xv.4 is particularly interesting.
59. See e.g. *Hell. Oxy.* VII.113 2.5.
60. For the relationship, see Davies, *APF* 332-4.
61. Sparta was deliberately excluded. See Arr., *Anab.* I.1.2 and the very significant words of Alexander's dedication to Athena of the spoils of the Granicus in *ibid.* xvi.7; and cf. my *OPIW* 164-6.
62. Cf. what happened at Amphacia (Diod. XVII.3.3 etc.), Elis (Dem. XIX.260, 294; IX.27; Paus. IV.28.4-6; V.4.9; Diod. XVI.63.4-5), and Eretria and Oreus in Euboea (Dem. IX.12, 33, 57-62, 65-6; XVIII.71, 79; Diod. XVI.74.1), in Dem. IX.61, *ὁ δῆμος ὁ τῶν Ὀρετῶν* must not be taken to refer to 'the democratic party' at Oreus: it is the technical expression for the [democratic] State of Oreus.

## [V.iii]

1. See e.g. Isocr. VII.12, 14-15, 16-18, 20-8, 31-5, 37-42, 44-5, 48-9, 51-5, 57, 60-1, 70, 83; VIII.13-14, 36-7, 50-6, 64, 75-6, 122-31, 133. Among many other passages in Isocrates see e.g. XV.159-60 (quoted in V.n above), also 232-5, 313-19.
2. I know of no up-to-date, thorough and illuminating account of the 'Lamian war' and its immediate consequences. Narratives can be found in Ferguson, *HA* 14-28; Glotz-Cohen, *HC* IV.1.264-75; A. W. Pickard-Cambridge, *Demosthenes* (1914) 473-86; Grote, *HC* X.247-66; and see Piero Treves, *Demostene e la libertà greca* (Bari, 1933) 173-98. More recent treatments, e.g. by Will, *HPMH* I.27-30, and Claude Mossé, *Athens in Decline 404-86 B.C.* (Eng. trans. by Jean Stewart, London/Boston, 1973) 96-101, are brief, and the latter does not even think it worth while to mention the very important class division inside Athens, where the propertied class (οἱ κτηματικοί) were against the war, while τὰ πλεῖστα (admitted to be the great majority, but represented of course as needing to be incited by demagogues, οἱ δημόκοποι!) were strongly in favour: see esp. Diod. XVIII.10, 1; cf. §§ 2-4 for the decree 'giving effect to the impulses of οἱ δημοτικοί' but thought 'inexpedient' by οἱ συνέταιροι διαφέροντες, which speaks of the common freedom and security of all Hellas. See also Diod. XVIII.18.4 (in particular the statement that it was the poor, disfranchised by Antipater, who had been the παραχάδεις καὶ πολεμικοί); 18.5, with Plut., *Phoc.* 27.5; 28.7 (the oligarchic constitution: Plutarch's 12,000 for the number of the disfranchised is generally, and probably rightly, preferred to Diodorus' 22,000, a figure which is often emended accordingly); and 66.5 to 67.6 for the bitter resentment of τὸ πλεῖθος, ὁ ὄχλος, τὸ πλεῖθος τῶν δημοτικῶν against Phocion and his associates in 318, during the temporary restoration of the democracy under the auspices of Polyperchon, while πολλοὶ τῶν σπουδαίων ἀνδρῶν openly sympathised with Phocion. For other evidence for the important role of Phocion (that Pétain-like figure) in the oligarchy of 322-318 and the hatred this had aroused

- among the lower classes, see Plut., *Phoc.* 27.6, 7 (it was simply the Macedonian garrison to which Phocion objected); 30.4, 8; 32.1-3; 34.1 to 35.4. Some of the main sources for the Lamian war are given by Will, *HPMH* I 30; add in particular Suid., s.v. *Demades* (οἷτος κατέλυσε τὰ δακτυλίδια), and *IG* II<sup>2</sup> 448, esp. lines 43-5, 47, 52-6, 60-1, 62-4 = *SIG*<sup>3</sup> 317, lines 9-11, 13, 18-22, 26-7, 28-30 (and cf. *SIG*<sup>3</sup> 310, lines 8-13 = *IG* II<sup>2</sup> 448, lines 7-12). There is nothing interesting in Dexippus, *FGH* 100 F 32-6. It seems unlikely that many of the Athenians disfranchised in 322 accepted Antipater's offer to settle them in Thrace (Diod. XVIII.18.4; Plut., *Phoc.* 28.7, cf. 29.4; and see Ferguson, *HA* 26-7); but we hear that many Athenians – doubtless drawn from those disfranchised again in 317 – went to Cyrenaica to join in the abortive expedition of Ophellus in 309/8 (Diod. XX.40.6-7). I do not myself believe (with e.g. Jones, *AD* 51 and 142 n.50) that 2,000 dr. was the technical qualification for the Athenian hoplite/zeugite; I shall argue elsewhere that this was not expressed in fixed quantitative terms, in money. The view of Busolt-Swoboda, *GS* II.928 n.1, with 837-8, that the traditional qualification of the Athenian hoplite/zeugite was 1000 dr. is founded on a serious misunderstanding of Poll. VIII.130.
3. See Ferguson, *HA* 36-94 (esp., on the position of Demetrius, 47 & n.3); Will, *HPMH* I.43-5. An inscription of 186 B.C. from Seleucia in Pieria (*SEG* VII.62 = Welles, *RCHP* 45) provides the earliest known instance of a royal governor described as an ἐπιστάτης in a Greek city in the Seleucid area (line 24); see esp. M. Holleaux, in *BCH* 57 (1933) 6-67, repr. in his *Études d'épigraphie et d'histoire grecques* III (Paris, 1942) 199-254, at 216-20 and 253-4.
  4. The best account is the very brief one given by Jones, *GCAJ* 95-112. There is a vast bibliography in Magie, *RRAM* II.822 (n.10) ff. A useful work on the newly founded cities is by V. Tschirikower (elsewhere usually Tcherikover), as cited in III. iv n.43 above.
  5. For the 'exiles decree', see E. Bickerman (elsewhere usually Bickerman), 'La lettre d'Alexandre le Grand aux barbares grecs', in *Mé. Rader* = *REA* 42 (1940) 25-35; J. P. V. D. Balsdon, 'The "divinity" of Alexander', in *Historia* 1 (1950) 363-88, at 383-8; E. Badian, 'Harpalus', in *JHS* 81 (1961) 16-43, at 25-31.
  6. I find views such as those of Zaccari, Lenschau, Tarn, Heuss and Magie (for which see Magie, *RRAM* II.825 ff., esp. 827-8) insufficiently realistic. Contrast the sensible picture in Jones, *GCAJ* 111-12, with 319 nn.29-30.
  7. Claire Préaux, in *Revue de la Soc. Jean Bodin* 6 (1954) 109-134, at 87, part of one of the best accounts of Alexander's relations with the Greek cities.
  8. *SEG* IX 1.1, with XIII.616; XVII.793; XVIII.726; XX.713. See Jones, *CERP*<sup>2</sup> 355-6, with 495-6 n.9; and for further bibliography Will, *HPMH* I.34. The fullest discussion in English is by M. Cary, in *JHS* 48 (1928) 222-38.
  9. See Fraser, *PA* 193-6 (with II.173 n.3), also 54 and 70 (on the native Egyptian population), 96-8 (the magistrates), 98-101 (the working of the constitution), 112-15 (the courts). The evidence cited by Fraser conclusively refutes the view of Tarn (see e.g. *HC*<sup>2</sup> 148, 145-6) that Alexander's newly founded Alexandrias were not proper Greek *poleis* but mere 'collections of *politeumata*' (cf. *ibid.* 157). I agree with Fraser's summing-up on early Ptolemaic Alexandria: 'Public institutions and administration of justice alike seem to have maintained the appearance which they had in an independent city-state: ecclesia, boule and dikasteria, the hallmarks of a democratic society, all existed, but all were dominated, indeed controlled by the Crown either directly through superior edicts, or indirectly by reason of the fact that Ptolemy was king, and the Alexandrians were his subjects' (I.115). For a detailed discussion of the situation at Antioch see Downey, *HAS* 112-15; but I myself see little reason to doubt the existence from the first, here and in most if not all the other dynastic foundations, of the normal institutions of a Greek city, even if royal control was ensured by the installation of a superintendent or governor, as for instance at Seleucia in Pieria (*JGLS* 1183 = Welles, *RCHP* 45 = *SEG* VII.62) and Laodicea ad Mare (*JGLS* 1261). In the case of many new foundations by the kings which at their creation did not have dynastic names, we do not know for certain whether they were originally cities or mere military colonies (*katoikiai*), and here we should do well to follow the example of Rostovtzeff (*SEHFW* I.482; III.1437-8 n.268) and refrain from speculation about their constitutions (cf. Jones, *CERP*<sup>2</sup> 245-6).
  10. See Tarn, *HC*<sup>2</sup> 147, 157-8, 220-1; W. Ruppel, 'Politeuma', in *Philologus* 82 = n.F. 36 (1927) 268-312, 433-54.
  11. The three inscriptions from Magnesia are in Otto Kern, *Inschr. von Magnesia am Maeander* (Berlin, 1900) 92 b.19; 94.14-15; and 92 a.14-16; the decree of Halicarnassus in the Coan

- inscription is included in Michel, *RIG* 455, from *BCH* 5 (1881) 211-16 no. 6 = W. R. Paton and E. L. Hicks, *The Inscriptions of Coe* (1891) 13, lines 20-2. Lists of known Hellenistic inscriptions giving recorded votes can be found in the articles by Louis Robert, 'Nouvelles inscriptions d'Iasos', in *REA* 65 (1963) 298-329, at 304-7, and M. H. Hansen, 'How did the Athenian ecclesia vote?', in *CRRS* 18 (1977) 123-37, at 131-2; cf. also Busolt-Swoboda, *GS* I.446 n.3. We have, by the way, little reliable information about actual voting numbers before the Hellenistic period, even at Athens, for which see *IG* II<sup>2</sup> 1641B.30-3, and the literary sources given by Hansen, *op. cit.* 130-1. Hansen points out (130-2) that there is no clear evidence for votes being actually counted except where they were given by ballot.
12. See Magie, *RRAM* 159, and II.839-40 n.24, with the works there cited, esp. L. Robert, 'Divinités éponymes', in *Hellenica* 2 (1946) 51-64.
  13. For a very interesting specimen of Rome's most enthusiastic 'friends', in a much earlier period (c. 180 B.C.), namely Callistratus of Leontium, see Polyb. XXIV.viii-x, esp. viii.9-ix.7 and x.3-5. Callistratus is very well treated by P. S. Derow, 'Polybios and the embassy of Kallikrates', in *Essays Presented to C. M. Bowra* (1970) 12-23.
  14. I need do no more than refer to Alexander Fuks, 'Social revolution in Dyrrhion in 116-114 B.C.E.', in *St. Hecol.* 23 (1972) 21-7, who gives a full bibliography. The inscription is *SIG*<sup>3</sup> II.684 = *AJ* 9 = Sherck, *RDGE* 43; there is an Eng. transl. in *ARS* 35, no. 40. See also M. H. Crawford, 'Rome and the Greek world: economic relationships', in *Econ. Hist. Rev.*<sup>2</sup> 30 (1977) 42-52, at 45-6. Among other recorded burnings of archives, allegedly to destroy evidence of indebtedness, are those at Jerusalem in A.D. 66 (Jos., *JF* II.425-7) and at Antioch in 70 (VII.55, 60-1; I agree with Downey, *HAS* 204-5, 586-7, against Kraeling).
  15. Michael Woloch, 'Four leading families in Roman Athens (A.D. 96-161)', in *Historia* 18 (1969) 503-10; C. P. Jones, 'A leading family of Roman Thespiae', in *HSCP* 74 (1968) 223-55. I wish we knew the identity of the *ἀρχοντες* who appear beside the *ἀρχοντες* and *βουλή* in line 12 of the Thespian inscription of A.D. 170-1, published by A. Plassart, in *Mé. Glotz* II (1932) 731-8 (see 737-8).
  16. Among many similar passages, see esp. Cic., *De rep.* I.44, 67-8 (reproducing Plato); III.23. The complaint was made by members of the propertied class in antiquity that the boasted 'freedom' of full democracy, in which the lower classes participated, has a natural tendency to degenerate into license: *libertas* becomes *licentia* (cf. VI.v above), and *δημοκρατία* turns into *ὀλοκρατία*. This line of argument, of which of course Plato was one of the main ancestors, was fully developed in the Hellenistic period, when the term *ὀλοκρατία* was coined: it appears in Polyb. VI.iv.6, 10; vii.9; cf. Stob., *Anthol.* II.vii.26, ed. C. Wachsmuth (1884) II.150, line 23 (and see Walbank, *HCP* I.640-1, and n.50 below). I fancy that a similar attitude to democracy lies behind the opinions expressed in the last paragraph of a series of six articles in *Athenaeum* n.s. 9-11 (1931-3), under the general title, 'Studi di storia ellenistico-romana', by an Italian Fascist, Alfredo Paschini. See 11 (1933) 334-5 (the last sentences of the series): 'Ma ora l'Italia e Roma stessa rinunciavano alla libertà democratica per sottrarsi alla superiore idea imperiale. Di simile la Grecia non aveva nel suo passato nulla: e fu ben giusto, che anch'essa si accingesse ad ubbidire!'.
  17. For the chronology of Plutarch's works, see C. P. Jones, 'Towards a chronology of Plutarch's works', in *JRS* 56 (1966) 61-74; and the chronological table in Jones, *PR* 135-7. Jones's date for the *Phoc.* *gr. sup.* is 'after 96, before 114'. Of this work there is a recent edition with commentary (which I have not been able to consult): *Plutarch, Praecepta gerendae reipublicae*, by E. Valgiglio (= *Testi e documenti per lo studio dell'Antichità* 52, Milan, 1976).
  18. The *κάλκροι* of Mor. 813c are the senatorial shoes of the proconsul, not military boots, as they are sometimes taken to be: see Oliver, *RP* 958 and n.27; and C. P. Jones, *PR* 133.
  19. An expression of Plutarch's views about 'equality', bound up with the theory of 'geometrical proportion' (for which see VII.i above and its nn. 10-11 below), can be found in *Mor.* 719bc, partly given in VII.i above.
  20. On Plutarch's attitude to Rome, see esp. C. P. Jones, *PR*, with whom I basically agree. The reader of such passages in Polybius as XXIV.xi-xiii may well feel a similarity between Plutarch's attitude and that of Polybius, notably in the latter's preference for the policy advocated by Philopoemen over that of Aristaeus, without strongly criticising the second: see xiii.2.4 (with its protest against behaving 'like prisoners of war', καθάπερ οἱ δουλῆται), 5-6, and esp. 8.
  21. Rostovtzeff, *SEHFW*<sup>2</sup> II.586-7 n.18, with many references.

22. Dio Chrys. XXXII (Alexandria; for the date, see VIII.iii n.1 below); XXXIII-IV (Tarsus); XLV-VI and XLVIII (Prusa); and I would add XXXI (Rhodes). See esp. XXXI.105-6, 111-14, 125, 149-51, 159-60; XXXIV.48, 51 (cited in the main text above); XXXII.71-2 (the recent *rapechē*; see VIII.iii n.1 again); XXXIII.37 (testifying to the continuance of manual voting in Assemblies and voting by ballot in courts); XXXIV.7-8 (the patronage of Augustus; cf. § 25 and XXXIII.48), 9 (accusations against provincial governors; cf. § 42), 16-21 (discord between Assembly, Council, Gerousia etc.), 21-3 (partial disfranchisement of despised linen-workers; figure of 500 dr. fee for enrolment as a citizen), 31 (political importance of those who perform liturgies), 33 (hostile attitude of common people; cf. § 39), 35-6 (offices held for six months only), 38 (delicate situation *vis-à-vis* Rome; cf. §§ 40, 48, 51), 39 (danger of losing right of free speech, *παρρησία*; cf. XLVIII.2-3, 15); XL.22, with XLI.9 (see the main text above); XLV.6 (order from provincial governor regarding city finance), 7 (100 councillors at Prusa), 15 (provincial governor convenes Assembly); XLVI.6 (people threaten to stone Dio and burn his property; cf. §§ 1, 4, 11-13), 8 (Dio claims he is not to blame for the famine; cf. §§ 9-10), 14 (threat of intervention by provincial governor); XLVIII.1 (provincial governor had restored the right to hold Assemblies, evidently withdrawn as a consequence of the disturbances; cf. §§ 2-3, 9-10, 14-15 etc.), 11 (Fees for enrolment in Council, *βουλευτικά*); LVI.10 (most demagogues will introduce *ἀποδοτικὰ ὑπὸ δέσποτα . . . εἰς τὸν δήμον*).
23. See e.g. Magie, *RRAM* I.474 (with 477) and 503 (Cyzicus, twice); 530 (Lycians); 548 and 569 (Rhodes, twice); 569 (probably Samos); 570 (probably Cos); with the references, II.1337 n.21, 1339-40 n.27, 1387 n.50, 1406-7 n.24, 1427-9 nn.9-10. And see VIII.iii n.11 below. For Cos, see now Susan M. Sherwin-White, *Ancient Cos (= Hypomnemata 51, 1978) 145-52*.
24. There is a useful collection of the evidence in the Oxford B.Litt. thesis by J. R. Martindale, *Public Disorders in the Late Roman Empire, their Causes and Character* (1961).
25. The inscription is IG II<sup>2</sup>.1064, with additions (cf. *SEG* XXI.506, and 505); see now J. H. Oliver, *The Sacred Gerusia = Hesp.*, Suppl. 6 (1941) 125-41 no.31 (text, trans. and comm.), with 142 no.32; Oliver, 'On the Athenian decrees for Ulpian Eubiotus', in *Hesp.* 20 (1951) 350-4, as corrected by B. D. Merritt, in *Hesp.* 32 (1963) 26-30 no.27.
26. See also *SEG* XIV.479; cf. XVI.408; XXIV.619. (And cf. § 2 of Appendix IV above, *ad fin.*).
27. There is an up-to-date account of the Gerousia, with immense bibliography, in Magie, *RRAM* I.63 (with II.855-60 n.38). For the Epheboi and Neoi, see *ibid.* I.62 (with II.852-5 nn.36-7); add H. W. Pleket, 'Collegium Iuvenum Nemesiorum. A note on ancient youth-organisations', in *Memos.* 22 (1969) 281-98.
28. I know of no firm evidence for political pay at Athens in the Hellenistic period. Without making an exhaustive search among the inscriptions, the latest evidence I can quote for any kind of major compensation for state service is the so-called *καταμίσθιον* paid to members of the Council in years around the middle of the second century B.C., and this was evidently a special distribution made for the festival of the Theseia and is not to be seen as political pay of the old kind: IG II<sup>2</sup>.956.14-15 (161/0 B.C.), 957.9-10 (c. 158/7), 958.12-13 (c. 155/4), 959.11-12 (c. 150 or a little later).
29. There is a useful discussion of the precise meaning of Cicero's words *peregrini iudices* by J. A. O. Larsen, 'Foreign judges' in Cicero *Ad Atticum* vi.1.15, in *CP* 43 (1948) 187-90.
30. Asclepiades etc.: Sherk, *RDGE* 22 = *IGRR* I.118 = *CIL* I.<sup>2</sup> 588. There is an Eng. trans. in Lewis and Reinhold, *RC* I.267-9, and in the Loeb *Remains of Old Latin* IV.444-51. Seleucus: Sherk, *RDGE* 58 = E/J<sup>2</sup> 301 [= *IGLS* III.1.718], ii, § 8. There is an Eng. trans. in Lewis and Reinhold, *RC* I.389-91. And see the article in two parts by F. De Visscher, 'Le statut juridique des nouveaux citoyens romains et l'inscription de Rhosos', in *Ant. Class.* 13 (1944) 11-35; 14 (1945) 29-59.
31. E.g. (1) A/J 36 = Sherk, *RDGE* 67 = E/J<sup>2</sup> 312 = *SIG<sup>3</sup>* 780 = *IGRR* IV.1031 (Cnidus); (2) A/J 121 = *IG* V.1.21 (Sparta); (3) A/J 90 = *IG* II<sup>2</sup>.1100, lines 54-5 (Athens); (4) A/J 119 = *IGRR* IV.1044 (Cos). The literary evidence of course includes the case of St. Paul (cf. VIII.i above). Security might be demanded for a reference to the emperor's court, even from a city: see e.g. J. H. Oliver in *Hesp.* Suppl. 13 (1970), at p.38 and n.20.
32. The existence of the provincial governor's court (held in the principal cities of the province) is too well known to need citation of evidence, and I will merely mention as specimens some letters in Pliny, *Ep.* X: nos.29-32, 56-60, 72, 81, 84, 96-7, 110-11.
33. As e.g. in (1) Rhodes (see my PPOA; add Epict., *Diss.* II.ii.17 for a private suit at Rhodes before *δυναται*, probably in about the first decade of the second century); (2) Chios: *SEG* XXII.507

- = Sherk, *RDGE* 70 (= A/J 40 = E/J<sup>2</sup> 317 = *SIG<sup>3</sup>* 785 = *IGRR* IV.943); lines 17-18 are particularly interesting, as they subject Romans in Chios to the city laws (see A. J. Marshall, 'Romans under Chian law', in *GRBS* 10 [1969] 255-71); and (3) *IGBulg.* IV.2263, an interesting and recently discovered inscription (cf. n.26 above); here, presumably, cases involving more than 250 *denarii* (lines 12-14) went to the provincial governor's court.
34. But see, e.g. for Athens, (1) *SEG* XV.108 = *IG* II<sup>2</sup>.1100 = A/J 90: Hadrian's oil law (mentioned a little later in the text above and in Appendix IV, § 2), where lines 45-50 provide for trials in the Council or (in certain cases) the Assembly; (2) A/J 91 = *IG* II<sup>2</sup>.1103, lines 7-8: the Arcopagus; (3) the edict of Marcus Aurelius, of 169-76 (see Appendix IV above, § 2). Plaque II = E, lines 8, 68, 75, where the last two references must surely be to the Arcopagus: see Oliver, in *Hesp.*, Suppl. 13 (1970), at p.65.
35. As in (very probably) Sicily in the Republic and (certainly) Cyrenaica in the late Republic and early Principate (see Appendix IV above, §§ 1, 5), and no doubt in many other places. It has been suggested that in Roman Athens *δυναται* were drawn only from those qualified to become Councillors (see Appendix IV, § 2), and by the second quarter of the second century perhaps only from Arcopagites: see Oliver, *op. cit.* (in n.34) 64-5.
36. E.g. (1) Plat., *Mor.* 815a; and (2) A/J 122 = *IGRR* III.409 (Pogla in Pisidia; for the interpretation of *τοιαῖς δικαστηρίοις ἕκαστος κοινὸς* [vices], see Jones, *CERP<sup>2</sup>* 142-3).
37. See e.g. Magie, *RRAM* I.113 (with II.963-4 n.81), 525 (with II.1382-3 n.36), 648 (with II.1517-18 n.49). Cf. Larsen, as cited in n.29 above.
38. In the early Principate Apamea was the centre of one of the *conventus* of the province of Asia: see Jones, *CERP<sup>2</sup>* 64-91, at 69-73; cf. Magie, *RRAM* I.171-2 and Index, s.v. 'Dioceses (judiciary districts)'. The main point made by Dio XXXV.14-17 is that the holding of the courts 'brings together a mass of people without number' to Apamea (§ 15 *init.*); and therefore the *δικαστοὶ* ought not to be local people, or anyway not entirely. Apart from the two alternative interpretations of *δικαστοὶ* suggested in the main text above, there is a third which I suppose is just possible: that there existed at Apamea in Dio's time a system of jury-courts such as we find in the first and fourth of the Cyrene Edicts of Augustus (see Appendix IV § 5 above). I know of no trace of such a system anywhere in Asia Minor in the Roman period, and I regard this alternative as unlikely in the extreme.
39. See J. Touloumakos, 'Δυναται = *iudices*?' in *Historia* 18 (1969) 407-21.
40. In MacMullen, *ERO*, there are attacks in the text and notes on would-be Marxist accounts, partly justified but partly misconceived. As elsewhere, MacMullen cites a great deal of good material but fails to make much use of it, owing to the serious inadequacy of his conceptual equipment. A. Monigliano, reviewing MacMullen, *RSt.* in *Riv. stor. ital.* 86 (1974) 405-7, ends with the words, 'Ma la stratificazione di una società complessa come quella dell'impero romano non può essere esaminata con categorie pre-weberiane'. I wish I knew which Weberian categories Monigliano had in mind! I cannot think that a *weberian* analysis would have materially helped MacMullen to explain the phenomena he so ably describes. The article by Léa Flau-Zuckermann, 'À propos d'une inscription de Suisse (*CIL* XIII. 5010): étude du phénomène du brigandage dans l'Empire romain', in *Latomus* 29 (1970) 451-73, which has a very large number of source references and much modern bibliography, aims at giving 'le contribution fertile que peut apporter une analyse sociologique du phénomène du brigandage' (id. 451); but pp.470-2 are very muddled on the question whether acts of brigandage ought to be regarded as class struggles; and there is a most misguided attempt on p.471 to characterise the Roman social hierarchy as consisting not of 'classes sociales' but of 'groupes sociaux'! (The inscription mentioned in her title can most conveniently be consulted as *ILS* 7007.)
41. Jean Colin, *Les villes libres de l'Orient gréco-romain et l'union au supplice par acclamations populaires* (= *Coll. Latomus* 82, Brussels, 1965), has a collection of evidence in this field, but is very unreliable, especially on constitutional questions. See also Millar, *ERW* 369-75. I have not been able to study Traugott Böttlinger, *Theatralis Licentia. Die Publikumsdemonstrationen an den öffentlichen Spielen im Rom der frühkaiserzeit und ihre Bedeutung im politischen Leben* (Diss., Basel, 1969), which, as its title indicates, is confined to Rome.
- 41a. There is a favourable review of Cameron's *Civis Factions* by W. Liebeschuetz, in *JRS* 68 (1978) 198-9, and another in *CR* 93 = n.s. 79 (1979) 128-9, by Cyril Mango. I can only concur with most of the negative side of Cameron's thesis, rightly denying the identification of the factions as long-term representatives of particular economic or religious groups and indeed having some of the characteristics of political 'parties'. This side of his book is most valuable and

- entirely convincing. But I am not convinced by his virtual denial (see esp. his CF 271-96, ch. x) of all political significance to the factions. Cf. the review by Robert Browning in *TLS* 3902 (24 December 1976) 1606. On this subject I feel that I have profited from discussions with Michael Whitby.
42. On Roman policy towards clubs etc., see (very briefly) Sherwin-White, *LP* 607, 608-9, 688-9.
43. For a long list of occasions on which we hear of the stoning of prominent men or the burning of their houses (or of threats to commit these acts), see MacMullen, *RSR* 171 nn.30, 32.
44. For the food supply of Antioch, see Petit, *LVMA* 105-22; Liebeschuetz, *Ant.* 126-32.
45. See Thompson, *HWAM* 60-71; Petit, *LVMA* 107-9; Downey, *HAS* 365-7.
46. Cf. the cryptic statement in *Amm. Marc.* XV. xii. 2: at the subsequent investigation by the Praetorian Prefect of the East, certain *divites* involved in the assassination of Theophilus merely had their property confiscated, while some *pauperes* were condemned (to death, undoubtedly) although they had not even been present.
47. For *δημοκρατία* in the Hellenistic period, see Jones, *GCAJ* 157 ff.; J. A. O. Larsen, 'Representation and democracy in Hellenistic federalism', in *CP* 40 (1945) 65-97, at 88-91; Walbank, *HCP* I.221-2 (on Polyb. II.38.6), 230, 478. For the Roman period, see Jones, *GCAJ* 170 ff.
48. *IGRR* I.61 = *IG* XIV.986 = *OGIS* 531 = *ILS* 31. For the date, see e.g. Magic, *RRAM* II.954-5 n.67. Among other inscriptions that might be quoted, see the Pergamene one of 46-44 B.C., where the *δῆμος* hails the proconsul of Asia, P. Servilius Isauricus, as 'saviour and benefactor' and records that he had restored to the city *τοὺς πατρίους νόμους καὶ τὴν δημοκρατίαν* (*IGRR* I.61 = *OGIS* 449 = *IGRR* IV.433 = *ILS* 8779).
49. As in (1) *Plut., On Monarchy, Democracy and Oligarchy* (see esp. *Mor.* 826ef), where monarchy is preferred (827bc, cf. 790a etc.); (2) *Dio Chrys.* III.45-9 (dating perhaps from the early years of the second century), where *δημοκρατία*, as distinguished from *ἀριστοκρατία*, is disparaged in favour of monarchy (democracy, says Dio, actually expects *σαφηνότητα* and *ἀρετή* from the *δῆμος*, so as to obtain a *κατάστασις ἐπιεικὴ καὶ νόμιμος* – as if that were practicable!); (3) *App., BC* IV.133, where it is the common soldiers, formerly in Julius Caesar's army, who serve Brutus and Cassius *ἐν τῇ δημοκρατίᾳ*, and (to show exactly what sort of democracy is meant in this case) a sneering comment follows: *ἐξ ὁμοῦ τοῦ εὐδαίμονος μὲν, ἀποσταλέντος δὲ αἰεὶ*; (4) *Philostr., VA* V.34, where *δημοκρατία* must have its original meaning, as it is distinguished not only from *τυραννίς* but also from *ἀριστοκρατία* and *ἀριστοκρατία*. (In V.33, however, it is the Roman Republic to which both *δημοκρατία* and *ἀριστοκρατία* refer; and V.35 is one of the three passages I give, further on in the main text above, where the Principate itself is a democracy, a *δῆμος* – the three chapters, V.33-5, certainly illustrate the possible variations in meaning of *δημοκρατία* and its cognates in a single author, even within a single passage.)
50. As in *Dio Cassius* XLIV.2.3; LIII.8.4; cf. *ὁ λαὸς ἐλευθερὸς* in LII.14.5; and perhaps *ὁ λαός* in 14.3 and possibly 5.4. There is a curious reference to the *λαός* at Rome in *Dio Cass.* LXVI.12.2. Evagrius, writing at the very end of the sixth century, could describe the Late Roman Republic, out of which Julius Caesar's *monarchia* emerged, as an *ὁλοκρατία*: *HE* III.41, p.142 ed. J. Bidez and L. Parmentier. On *ὁλοκρατία*, see also c.16 above. In an oratorical work by (or attributed to) a Greek rhetorician of the late third century C.E., Menander of Laodicea on the Lycus, we find *ὁλοκρατία* replaced by *λαοκρατία*; see *Rhetorica Graeca* III.359-60, ed. L. Spengel (1856). I know of no other occurrence of the words *λαοκρατία*, *λαοκρατεῖσθαι*. There is a rather nice late use of *ὁλοκρατία* in *Evagr., HE* VI.1 (p.223 ed. Bidez and Parmentier), for the rule of the passions, which the Emperor Maurice (582-602) thrust out of his mind, establishing there as *ἀριστοκρατία* of reason.
51. Out of scores of possible examples I will give only *App., BC* IV.69, 97, 138 etc. (for his *Praef.* 6, see later on in the main text above, and VI.vi); *Dio Cass.* XLIV.2.1-4; XLV.31.2; 44.2; XLVII.20.4; 39.1-5; 40.7; 42.3-4; L.1.1-2; LII.1.1; 9.5; 13.3; LIII.1.3; 5.4; 11.2, 4-5; 16.1; 17.1-3, 11; 18.2; 19.1; LIV.6.1; LV.21.4; LVI.39.5; 43.4 (where alone the Principate is a mixture of *μοναρχία* and *δημοκρατία*); LX.1.1; 15.3; LXVI.12.2; *Herodian* I.1.4 (the Roman *δυναστεία* changed into a *μοναρχία* under Augustus; cf. *δυναστεία* in *Dio Cass.* LII.1.1). The verb *δημοκρατεῖσθαι* and the adjective *δημοκρατικός* (for which see esp. *Dio Cass.* LV.4.2) are often used in the same sense as *δημοκρατία*. Dio can even use *δημοτικώτατος* (meaning 'most republican') in XLIII.11.6 of the arch-reactionary, Cato. I have said nothing here of Philo, the leading Alexandrian Jew who wrote (and thought) in Greek in the first half of the first century, since his use of the word *δημοκρατία*, in six different works, is a notorious puzzle: (1) *De Abrahamo* 242, (2) *Quod Deus sit immut.* 176, (3) *De spec. leg.* IV.237 (cf. § 9, *δημοκρατικός*), (4)

- De virtut.* 180, (5) *De agric.* 45, (6) *De confus. ling.* 108. In three of those texts (nos. 4, 5, 6) *δημοκρατία* is the opposite of *ὁλοκρατία*; in one (no. 1) it is the opposite of tyranny, in two (nos. 3, 4) it is *ἐλευθερία*, and in four (nos. 1, 2, 3, 5) it is *ἀριστεία*. All this would incline one to think that in Philo's mind the term *δημοκρατία* would fit the Roman Republic. Yet his *δημοκρατία* is also characterised by *ἐλευθερία* (nos. 3, 6). I feel there may be something in the suggestion which has been made that in his conception of *δημοκρατία* Philo was much influenced by a unique passage in Plato, namely *Menex.* 238bc-9a, taking it to be serious praise of the Athenian constitution instead of a reproduction – in Plato, deeply ironical – of what Athenian democrats themselves said. (I have not seen any more recent treatment of this question than that of F. H. Colson, in the Loeb edition of Philo, Vol. VIII [1939] 437-9.)
52. See e.g. *Dio Cass.* XLII.17.3; XLVI.34.4; XLVII.39.2; LII.1.1; 6.3; 13.2 (*δυναστεύειν τοῦ*); 17.3. Cf. *App., Praef.* 6; *Gaius* [= *Julius*] *Caesar* *διωκόμενος* made himself *μόναρχος*. In *Dion. Hal., De antiq. roman.* 3 (written under Augustus), the Roman leaders are *οἱ δυναστεύοντες*.
53. See C. G. Starr, 'The perfect democracy of the Roman Empire', in *AHR* 58 (1952-3) 1-16. This article is quite a useful collection of material but shows no understanding of Greek democracy in its great days or of the process (described earlier in the main text above) by which, during the Hellenistic period, the term had 'come in practice to be applicable to any government which was not openly monarchical' (*ibid.* 2).
54. *Acl. Arist., Ora.* XXVI (ed. B. Keil), esp. 60, 90; cf. 29, 36, 39, 64, 65, 107 etc. (The key phrase in § 60) is *καθέστηκε κοινὴ τῆς γῆς δημοκρατία ἐπὶ τῷ ἀρίστῳ ἀρχόντι καὶ κοσμητῇ*, and in § 90 *δημοκρατία κοινὴ καὶ οὐδὲν ἐκείνῳ πληρὸν ἐξουσιάζοντες δῆμος*.) The date of the speech is usually given nowadays as A.D. 143, or anyway between about 143 and 156, and thus during the reign of Antoninus Pius. There is an edition, with Eng. trans. and comm., by J. H. Oliver, *RP*; but Oliver is often ready to take *Aristides'* panegyric at too near its face value. De Martino, *SCR* IV.1 (1974) 383 n.44, lists ten reviews of Oliver's edition, with other literature. Rostovtzeff, *SEHRE* II.544 n.6, thinks the speech 'wonderful'!
55. There is a good recent abridged Eng. trans. by C. P. Jones (Penguin Classics, 1970), with an *Introd.* by G. W. Bowersock; this includes nearly all the most important parts of this interesting work. There is also a complete Loeb edition in 2 vols (with Eng. trans.) by F. C. Conybeare (1912).
56. For an account of this literary debate (*Dio Cass.* LII.1 to xiii.7, and xiv.1 to xl.2) see Millar, *SCD* 102-118. (I certainly cannot accept his view that the speech of Maecenas was actually delivered by Dio before the Emperor Caligula – at Nicomedia late in 214, as he suggests, or at any other place and time. That would have been a foolhardy act, and it would have been highly unlikely to have any effect on a despot like Caligula.) There are some interesting features in Agrippa's speech which I cannot discuss here, but I must not fail to draw attention to the use of *ισοκρατία* in LII.4.1.
57. See n.8 to Section II of this chapter. One of the later specimens of our Greek treatises *On kingship* (A.D. 399), by Synesius, later to become bishop of Cyrene, can still praise *παρηγορία* in its opening paragraph, as something that ought to be fostered by emperors (*MPG* LXVI.1056), and make a claim to exercise it (*ibid.* 1056-7, §§ 2, 3).
- 57a. After this chapter was finished I read the discussion of 'Longinus', *De sublim.* 44, by Gordon Williams, *Change and Decline. Roman Literature in the Early Empire* (= Sather Classical Lectures 45, Berkeley/London, 1978) 17-25. This is well worth reading and makes some good points, but an important part of the argument is vitiated by Williams's demonstrably false belief that 'it seems unlikely . . . that a Greek of the Empire would use the word *δημοκρατία* of the Roman Republic' (21 n.33), and that 'Greek writers do not seem to have been politically conscious of the change from republic to principate in the way that, for instance, Roman Stoics in the early Empire were' (18). As I show in the main text above (and n.51), *δημοκρατία* is applied to the Roman Republic from the late first century, if not earlier, and is a standard term for it in the Greek historians of the second and third centuries. This is perfectly natural in view of the degeneration in the meaning of the word which had already taken place in the Hellenistic period: see the main text and no.47-9 above.
58. 'Longinus' *On the Sublime*, ed. with an *Introd.* and *Comm.* by D. A. Russell (1964). See also *Ancient Literary Criticism*, ed. D. A. Russell and M. Winterbottom (1970) 460-1, 501-3.
59. I suppose I must mention here *Tac., Dial.* (esp. 1.1, 27.3, 38.2, 40.2-4, 41.1-4), although of course it is solely concerned with oratory, and 'Longinus' does not limit himself to that. For an earlier Roman view of the dependence of oratory on the enjoyment of peace, leisure and a good

constitution, see Cic., *Brut.* 45-6, part of a long passage, 25-51, in which other interesting remarks occur in 26, 39, and esp. 49-51, maintaining that *eloquentia* was at first peculiar to Athens and unknown to Thebes (except perhaps for Epaminondas), Argos, Corinth, and above all Sparta, but that oratory later spread to all the islands and the whole of Asia, with unfortunate consequences except at Rhodes.

60. Expressly or by implication our author shows some enthusiasm (if qualified in a few cases) for some 16 writers (Aeschylus, Archilochus, Demosthenes, Euripides, Herodotus, Homer, Hyperides, Pindar, Plato, Sappho, Simonides, Sophocles, Stesichorus, Theocritus, Thucydides, and Xenophon), of whom only one, Theocritus, is Hellenistic, and only four others (Archilochus, Homer, Sappho, and Stesichorus) do not come from the fifth or fourth century. Of the eight Hellenistic writers he mentions, only one, Apollonius, receives praise and no reproach; on three (Aratus, Eratosthenes, and Timaeus) his verdict is mixed; and four (Amphicrates, Cleitarchus, Hegesias, and Marris) are harshly criticised. A curious omission is Menander, who is never mentioned. Perhaps I should add that our author is the only Greek I have come across who mentions (with admiration, in 9.9) Genesis 1.3 – perhaps not from direct acquaintance with the LXX: cf. the wording here and in Gen. 1.9.
61. The only references I can find in Hippolytus (or elsewhere) to these 'democracies' are indeed in *De Antichr.* 27, ed. Hans Achelis, in *GCS Lit.* (1897) 191 καὶ τῶν δέκα δακτύλων τῆς εἰκόνος εἰς δημοκρατίας χωρησάντων, and *Comm. in Dan.* II.xii.7, ed. G. N. Bonwetsch, in *GCS Li.* (1897) 68, and Maurice Lefèvre, in *Hippolyte Commentaire sur Daniel* = *SC* 14 (Paris, 1947) 144: εἶτα δακτύλοι πόδων, τὰς δεκάδων αἱ ... δημοκρατίαι μελλόντων γίνεσθαι. At this point we must take account of the 'beast' with ten horns in *Dan.* VII (7, 20), interpreted there as ten βασιλεῖς (verse 24), since Hippol., *Comm. in Dan.*, equates the ten toes of the image in *Dan.* II.41-2 with the ten horns of the 'beast' (IV.vii.5), and identifies the ten horns as ten kings (IV.xiii.3); and similarly in *De Antichr.* 27 he speaks of the ten horns of the 'beast' as ten kings. Cf. the 'beast' of Rev. XIII.1 ff. and XVII.3 ff., which also has ten horns (XIII.1: XVII.3,7), interpreted as ten βασιλεῖς (XVII.12-17). The *δημοκρατίαι* are a real problem to me. I cannot understand how Géza Alföldy, 'The crisis of the third century, as seen by contemporaries', in *GRBS* 15 (1974) 89-111, at 99 and n.35, can say that 'Irenaeus, Hippolytus and Tertullian were already so impressed by the political crisis after Commodus' death that they predicted, as did Lactantius later, that one day the end of the Empire would come through its disintegration into ten "democracies"', and can cite in support of this Iren., *Adv. haeres.* V.26.1; Hippol., *Comm. in Dan.* IV.vi and *De Antichr.* 28; Tert., *De resurr.* 24.18; and Lact., *Div. inst.* VII.16.1 ff. As I have said, the only two texts that seem to me relevant are the two quoted at the beginning of this note, and not any of those cited by Alföldy. In each of his passages we certainly find the ten horns = ten kings (except *Comm. in Dan.* IV.vi; but see e.g. IV.xiii.3).
62. See H. A. Drake, 'When was the "de laudibus Constantini" delivered?', in *Historia* 24 (1975) 345-56 (esp. 352-6), who prefers 336 to 335 and thinks the actual day is likely to have been 25 July in that year. It was only after this section was finished that I saw Drake's subsequent book, *In Praise of Constantine: A Historical Study and New Translation of Eusebius' Triennial Orations* (Univ. of California Publications, Class. Stud. 15, Berkeley/London, 1976).
63. Euseb., *Triacm.* (or *Orat. de laud. Constant.*) III.6, ed. I. A. Heikel, in *GCS* 7 (1902). There is an Eng. trans. of this speech (or speeches) in *Eusebius* = *NPNF* I (1890 & repr.) 561-610, a revision by E. C. Richardson (on the basis of F. A. Henrichs's second edition of the Greek text in 1869) of the anonymous Eng. trans. published by Samuel Bagster and Sons in London in 1845, from the seventeenth-century Greek text by Valesius (see *NPNF* I.32, 465, 466-7, 469). The new English translation by H. A. Drake (see the preceding note) is made from the improved text by Heikel. I need not enter here into the question whether *Triacm.* 1-10 and 11-18 should be treated as a unity or as a conflation of two separate addresses: the latter seems far more probable (see Drake, as cited in the preceding note, and J. Quasten, *Patrology* III [1960] 326-8).
64. The earliest examples I happen to have come across are in the correspondence between the two patriarchs, Arturus of Constantinople and Cyril of Alexandria, concerning the rehabilitation of John Chrysostom, in the second decade of the fifth century: see Cyril, *Ep.* 75 (by Atticus), in *MPG* LXXVII.349CD and esp. 352A (ὡστε μὴ ... ἐπιστῆναι εἰς δημοκρατίαν τὴν πόλιν). There are several examples in John Malalas (mid-sixth century), *Chronographia*, ed. L. Dindorf (CSHB, Bonn, 1831), e.g. pp.244.15-17 (Book X, Caligula: the Green faction, given παρωσία by the emperor, ἐδημοκράτησαν in Rome and other cities); 246.10-11 (Book X, Claudius); and esp. 393.5-6 (Book XVI, Anastasius: the Green faction at Antioch δημοκρατοῦν

ἐπὶ ἄρχοντι τοῖς ἄρχουσιν), and 416.9-10 and 21 to 417.1 (Book XVII, Justin I: the Blue faction rioted at Constantinople until the Praefectus Urbi Theodotus κατεδυνάστευσε τῆς δημοκρατίας τῶν Βυζαντιῶν; at Antioch the Comes Orientis Ephraemius also ἡγωνίσαστο κατὰ τῶν δημοκρατοῦντων Βενέτων, etc.). There are some particularly good examples in Theophanes (early ninth century), *Chronographia*, ed. C. de Boor (Leipzig, 1883): I.166.26 (A.M. 6012: ἐδημοκράτησε τὸ βένετον μέρος), 181.17-18 (A.M. 6023: καὶ ἐγένοντο κοσμικαὶ δημοκρατίαι καὶ φόνοι), and 492.27 (A.M. 6303: ἡ δημοκρατία ἐγείρει Χριστιανοίς). See Cameron, *CF* 305-6, improving on G. I. Bratianu, 'Empire et "Démocratie" à Byzance', in *Byz. Ztschr.* 37 (1937) 86-111, at 87-91.

65. I ought perhaps to have said more in this section about the *staseis* and revolutions in Greek cities in the Hellenistic age: some were clearly forms of political class struggle to a greater or less degree. But our sources are usually defective or biased, and the movements in question were rarely very significant. I shall merely refer to a comprehensive set of articles by A. Fuks: the main one, 'Patterns and types of social-economic revolution in Greece from the 4th to the 2nd century B.C.', in *Anc. Soc.* 5 (1974) 51-81, lists the others, p.53 n.6.

## [VI.i]

- For a good brief statement of what made Roman law (virtually the *ius civile* in the sense in which I am using the term) 'the most original product of the Roman mind', see Barry Nicholas, *IRL* = *An Introduction to Roman Law* (1962) 1-2. That book (of xv + 281 pages) is the best elementary introduction to the subject in English, and is a model of clarity. More comprehensive, and dealing also with public law, is H. F. Jolowicz, *HISRL* = *Historical Introduction to the Study of Roman Law*, 3rd edn, revised by Barry Nicholas (1972). Other works are referred to in the text above. Those unacquainted with Roman law who wish to see how it actually functioned in Roman society will find their best 'way into' the subject through Crook, *LLR* (1967), a book which, in the most praiseworthy manner, avoids the unnecessary technicalities that make so many of the writings of modern specialists in Roman law scarcely intelligible to anyone except another such specialist. Crook, however, takes a far more indulgent view than I could of the class nature of the Roman legal system and the way it helped to fortify the position of the Roman propertied class.
- See my WUECP, in *SAS* (ed. Fualey) 218-26, with references (esp. n.53), cf. 249 n.170.
- To the references given in my article cited in n.2 above add Jolowicz and Nicholas, *HISRL* 3175, 397-8; Kaser, *RZ* (1966) 339-40, § 66: 'Wezen und Arten der Kognitionverfahren' (see 339 for the 'Sammeibegriff Kognitionprozess'); *RP II* (1975) 16-17.
- This was by no means a late development in Roman law: see Garnsey, *SSLPRE* (referred to several times in VIII.i above); J. M. Kelly, *Roman Litigation* (1966); Rudolf von Ihering, *Scherz und Ernst in der Jurisprudenz* (8th edn, Leipzig, 1900) 175-232 (Abt. II.iii: 'Reich und Arm im altrömischen Zivilprozess').
- Cf. now Brunt, *LI* 175-8.
- See Brunt, *LI* 159.
- See esp. Polyb. I.iii.6, 7, 9-10 (and cf. 4); vi.3; lxiii.9; III.ii.6; IX.x.11; XV.ix.2 (cf. 4-5); x.2. Cf. also I.vi.6; x.5 ff.; xx.1-2; II.xxi.9; xxxi.8; III.iii.9; V.civ.3; VI.ii.3; I.6. (Cf. n.6 to Section iv of this chapter.)
- Brunt, *LI* 162. The proof of this follows, *LI* 162-72.
- The bestial savagery of Yahweh was of course depicted by his zealous worshippers as extending not only to foreign peoples but also to disobedient Israelites. As my concern at this point is only with the former, I give but one reference to the latter: Deuteronomy XXVIII, where, after 14 verses describing the blessings of the obedient, there are 54 verses containing an awe-inspiring list of curses upon transgressors – including the only biblical reference I know to placentophagy (verse 57).
- The archaeological record is not yet absolutely clear; but (a) although Hazor was a considerable city which could have been destroyed by the Israelites under 'Joshua' in the late thirteenth century B.C., yet (b) it seems almost certain that the destruction of the major city of Ai took place more than a thousand years earlier and that Ai could not possibly have been a place of any size or importance in 'Joshua's day'; also (c) the great days of Jericho were also much earlier,

and the place was in a poor way after the mid-sixteenth century and in the time of 'Joshua' was small and unimportant and probably unvalled. But I am concerned here not so much with what actually happened as with what the Israelites wished to believe about their own past and the role played by their God.

11. I understand from Zvi Yavetz that the earliest surviving passage mentioning the advocacy of genocide of the Jews is Diod. XXXIV/XXXV. I.1.4 (the friends of Antiochus VII).
12. See in particular Num. XXV.8-9, 10-13; I Chron. ix.20; Ps. CVI.30. In Eccles. XLV.23-5 Phineas is celebrated along with Moses and Aaron. He is also cited with admiration by some Christian writers seeking Old Testament justification for persecution, e.g. Optat. III.5.7; VII.6.

## [VI.ii]

1. E. J. Bickerman, 'Some reflections on early Roman history', in *Riv. di filol.* 97 (1969) 393-408.
2. Among many recent works dealing with the problem of the *secessiones*, see esp. Kurt von Fritz, 'The reorganisation of the Roman government in 366 B.C. and the so-called Lucinio-Sextian laws', in *Historia* 1 (1958) 3-44, at 21-5.
3. See Lily Ross Taylor, 'Forerunners of the Gracchi', in *JRS* 52 (1962) 19-27, at 20, with nn.11-12.
4. I make this qualification because those taking *effettive* part in the *secessiones* (mentioned in the main text above) are not likely to have included the poorest citizens, who at this date would not have been serving in the main army.
5. A. W. Lintott, 'The tradition of violence in the annals of the Early Roman Republic', in *Historia* 19 (1970) 12-29; cf. Lintott's book, *Violence in Republican Rome* (1968) 55-7 etc. There are at least four passages in Cicero mentioning all three men (Cassius, Maelius and Manlius): *Pro domo ad pontif.* 101; *II Phil.* 87 and 114; *De rep.* II.49. Among other Ciceronian texts referring to one or more of them are *Lael.* 28 and 36; *De senect.* 56; *Pro Mil.* 72; *I Cat.* 3; *I Phil.* 32. Cassius and Manlius are depicted as Patricians and consuls, Maelius as a rich Plebeian who had distributed corn to the poor. Livy says that Maelius was 'primus omnium ex patribus popularis factus' (VI.11.7); and note his unconsciously ironical comment (VI.20.14) that Manlius would have been 'memorabilis' if he had not been born 'in libera civitate'. Cf. II.41.2 (on Cassius). Among other narratives, I would draw attention to that of Cn. Genucius, tribune of the plebs in 473: Livy II.54-55 (esp. 54.9-10); Dion. Hal., *AR IX* 37-38 (esp. 38.2-3); X.38.4-5.

## [VI.iii]

1. (Or descendants of consular tribunes or dictators.) Gelzer's *Die Nobilität der römischen Republik* (1912) was repr. in his *Kleine Schriften I* (Wiesbaden, 1962) 1-135 and is now easily available in a good Eng. trans. by Robin Seager, as *The Roman Nobility* (1969) 1-139. Cf. H. Strasburger, in *RE XVII.1* (1936) 783-91, s.v. 'Nobilitas', and 1223-8, s.v. 'Novus homo'; E. Badian, in *OCD*<sup>2</sup> 736, 740, s.v. 'Nobilitas'; 'Novus homo'; Syon, *RR* 10 ff.; H. H. Scullard, *Roman Politics 220-150 B.C.* (1951) 10-11; and see A. Arbillius, 'Zur Definition der römischen Nobilität vor der Zeit Ciceros', in *Class. et Med.* 7 (1945) 153-200.
2. Thus we encounter phrases such as *quietis loco nam or omis* (Cic., *De rep.* I.10; *De lege agr.* I.27; Nepos, *Att.* 19.2, cf. 1.1; Vell. Pat. II.128.1-2, cf. 88.2). And see VI.ii n.102.
3. See e.g. Badian, *PS* 100, 107, 111-12.
4. See II.i n.21 above for this and other works, by Nicolet, Cohen, etc.
5. For Atticus, see Nepos, *Att.*, esp. 1.1, 6.1-5, 11.5, 13.6, 19.2, 20.5. For Maecenas, see esp. Vell. Pat. II.88.2. For Amicus Mela, see Tac., *Ann.* XVI.17.3. Cf. *Hist.* II.86 on Cornelius Fuscus, who in his youth 'senatorium ordinem exuerat' in order to enter the imperial service. The MS, giving his motive, has 'quietis cupidine'; some editors prefer 'biquies' or 'quaestus' to 'quietis'.
6. See esp. B. Cohen, op. cit. in II.i n.21 above.
7. See e.g. H. Strasburger, *Concordia Ordinum. Eine Untersuchung zur Politik Ciceros* (Diss. [at Frankfurt], Leipzig, 1931).
8. I accept the view that the *comitia tributa* were identical with the *concilium plebis* (cf. Section ii of this chapter), except that they (a) also included Patricians (who of course were few in number even in the Middle Republic), and (b) were presided over by a consul (or praetor) instead of a tribune. The most recent book in English on the Roman Assemblies is by Lily Ross Taylor, *Roman Voting Assemblies from the Hannibalic War to the Dictatorship of Caesar* (Ann Arbor, 1966).

See also E. S. Staveley, *Greek and Roman Voting and Elections* (1972). G. W. Botsford, *The Roman Assemblies from their Origin to the End of the Republic* (New York, 1909), is still worth consulting. Further bibliography will be found in the article, 'Comitia', by A. Momigliano, in *OCD*<sup>2</sup> 272-3. And see the next note.

9. The latest work I have seen on the subject is R. Develin, 'The third-century reform of the comitia centuriata', in *Athenaeion n.s.* 56 (1978) 346-77.
10. I must add here that the origin of the word *uffragium* has been admirably explained in the article by M. Rothstein (1903) cited in my *OPW* 348 n.2, which I did not come across until after my SVP was published.
11. Among various editions, see *FIRA*<sup>2</sup> I.62. Another section, V.8 (*FIRA*<sup>2</sup> I.41), refers to patronage, but over freedmen only.
12. Cf. Livy VI.18.6; Plut., *Rom.* 13.3 *fin.*, 5, 7-8. [On the origin and early development of the *clientela*, see now the recent works cited by H. Strasburger, *Zum antiken Gesellschaftsideal = Abhandl. der Heidelberger Akad. der Wiss., Philos.-hist. Klasse* (1976 no.4) 104 n.731, which I saw only after this chapter was finished. To my mind, the dissent expressed in P. A. Brunt's review of that work, in *Gnomon* 51 (1979) 443 ff., at 447-8, is justified only if a narrow interpretation is adopted, and we think purely in terms of cases in which the *clients/patronus* relationship existed formally and is made explicit.]
13. W. V. Harris, *War and Imperialism in Republican Rome 327-70 B.C.* (1979), which I read only after this section was finished, has an excellent note, 135 n.2, pointing out that 'Massilienses nostri clientes' in Cic., *De rep.* I.43, is a reference to the *clientela* of Scipio Aemilianus, not of Rome, and also that the first clear use of the 'client' metaphor by a Roman writer for Rome's relationship with some of its subjects is in Dig. XLIX. xv.7.1 (Proculus, mid-first century C.E.).
14. See Gelzer, *The Roman Nobility* (n.1 above) 63 and nn.55-9; and on the whole subject E. Badian, *Foreign Clientelae 264-70 B.C.* (1958).
- 14a. I have used the Loeb edition, by J. W. and A. M. Duff (1934).
15. In my RRW I refer in a note (69 n.26) to Augustine, *De civ. Dei* IV.31-2; cf. 27 (against Scaevola) and VI.10 (against Seneca); also Cic., *De leg.* II.32-3 (contrast *De div.*, esp. II.28-150); Livy I.19.4-5; and Dio Cass. LII.36.1-3. As the sincerity of the religious opinions expressed by members of the Roman governing class, and in particular Cicero himself, is often doubted (with how much cause it is very hard to say), I must add here Cic., *De leg.* II.16, stressing the *practical usefulness* of inculcating a general adherence to religion: it secures respect for oaths, and 'the fear of divine punishment has reclaimed many from crime' (cf. II.30). Without *pietas* towards the gods, Cicero says elsewhere (*De nat. deorum* I.4), 'fides etiam et societas generis humani et una excellentissima virtus, iustitia' may well disappear. For the general attitude to religion in the Roman world, especially that of the ruling classes, see also my WUECP 24-31, repr. in SAS (ed. Finley) 238-48; and cf. now Brunt, II 165-8.
16. As when in 327 B.C. the appointment of M. Claudius Marcellus as dictator was declared invalid by the augurs: see Livy VIII.23.14-17. Cf. now the examples (not including the one just given) set out in J. H. W. G. Liebeschuetz, *Continuity and Change in Roman Religion* (1979) 309 (Appendix).
17. As when the laws of M. Livius Drusus in 91 B.C. were cancelled by the Senate, one of the grounds being disregard of auspices (Cic., *De leg.* II.31, a fascinating passage; Ascon. 61, in *Comeliani*, ed. A. C. Clark, p.69.6-7). Cf. perhaps the utilisation of sinister omens by the haruspices to stop the agrarian bill of Sex. Titius, tribune in 99 B.C. (Cic., *De leg.* II.14, 31, and other sources given in Greenidge and Clay, *Sources*<sup>2</sup> 113, and in Broughton, *MRR* II.2): the laws of Titius could be said to be *contra auspicia latae*. And see A. W. Lintott, *Violence in Republican Rome* (1968) 134-5.
18. The references to the six passages I have quoted are Cic., *In Vat.* 23; *De har. resp.* 58; *In Pis.* 9; *Post red. in sen.* 11; *In Vat.* 18; *Pro Sest.* 33. Sufficient bibliography on these laws is given by H. H. Scullard in *OCD*<sup>2</sup> 601, s.v. 'Leges Aeliae (1) Aelia et Fufia'; and Lintott, op. cit. 146-7.

## [VI.iv]

1. The fullest account that I know is by Gaston Colin, *Rome et la Grèce de 200 à 146 av. J.-C.* (Paris, 1905). A particularly interesting recent work, giving a critical general survey of the earlier literature, is E. Badian, *Titus Quinctius Flaminius. Philhellenism and Realpolitik* (Louise Taft

- Semple Lecture, Cincinnati, 1970). A recent very scholarly general work with good bibliographies is Will, *HPMH* I and II (1966-7). And see n.5 below.
- See e.g. L. Homo, *Primitive Italy and the Beginnings of Roman Imperialism* (Eng. trans., 1927) 264-70, for this and some similar examples of Roman brutality towards conquered peoples. Badian, *op. cit.* 56 n.50, gives the sources for the Epirot episode in full, and refers in this connection to Paullus's approval of a massacre in Aetolia (Livy XLV. xxviii.6 ff.; xxxi.1 ff.), adding, 'Flamininus appears resplendent by comparison.' H. H. Scullard, 'Charops and Roman policy in Epirus', in *JRS* 35 (1945) 58-64, does his best to defend Paullus, in my opinion unsuccessfully. For 'the Roman method of conducting war', see also Rostovtzeff, *SEHHW* II.606.
  - The facts and sources are given very fully by Magie, *RRAM* I.199 ff. (esp. 216-17), with the notes in II.1095 ff. (esp. 1103 m.36-7). See also Brunt, *JM* 224-7.
  - T. R. S. Broughton, in *ESAR* (ed. Frank) IV.580. For the details, see *ibid.* 516-19, 525-6, 562-8, 571-8, 579-87 (and 535 ff.). Cf. Jones, *RE* 114-24.
  - See W. V. Harris, 'On war and greed in the second century B.C.', in *AHR* 76 (1971) 1371-85, and M. H. Crawford, 'Rome and the Greek world: economic relationships', in *Econ. Hist. Rev.* 30 (1977) 42-52, both modifying the picture presented in Badian. *RILR* 2, a mine of information in compact form which is perhaps most likely to be consulted by students gaining their first acquaintance with Roman expansion in the last two centuries of the Republic. And see Brunt, LI 170-5. [Only after this section was finished did I see the interesting books by Harris (mentioned in n.13 to Section III of this chapter) and Michael Crawford, *The Roman Republic* (Fontana Hist. of the Anc. World, 1978).]
  - I must add that I cannot follow those writers who have supposed that the policy of Augustus and most of his successors was fundamentally defensive and eschewed further conquests. My own views are much the same as those of P. A. Brunt, in his review of H. D. Meyer, *Die Außenpolitik des Augustus und die augusteische Dichtung* (Cologne, 1961), in *JRS* 53 (1963) 170-6, and A. R. Birley, 'Roman frontiers and Roman frontier policy: some reflections on Roman imperialism', in *Trans. of the Arch. and Archaeol. Soc. of Durham and Northumberland* n.s.3 (1974) 13-25. The existence during the Principate of a strong current of opinion in favour of further expansion is something that should not be entirely ignored when we are considering Roman imperialism in the Late Republic (cf. Section I of this chapter and its nn.5-7). For a scathing criticism of Roman 'frontier policy' in the Principate, see the impressive article by J. C. Mann, 'The frontiers of the Principate', in *ANRW* II.1 (1974) 508-33 (with a bibliography).
  - Cf. M. P. Nilsson, *Gesch. d. griech. Religion* II<sup>2</sup> (1961) 177: 'Dieser Kult hat denselben Sinn und Zweck wie der Herrscherkult.' There are two recent comprehensive treatments of the Greek cult of Roma, by Ronald Mellor, *Deo Palmy. The Worship of the Goddess Roma in the Greek World* (= *Hypomnemata* 42, Göttingen, 1975); and a work I have not seen: Carla Fayer, *Il culto della Dea Roma. Origine e diffusione nell'Impero* (Collana di Saggi e Ricerche 9, Pescara, 1976) - see the review of both works by I. C. Davis, in *JRS* 67 (1977) 204-6. I agree with Mellor (21 and n.50) on the absence of any 'religious dimension' (in the modern sense) in the cults of rulers and of Rome.
  - J. A. O. Larsen, 'Some early Anatolian cults of Roma', in *Mélanges d'archéol. et d'hist. offerts à André Piganiol* (Paris, 1966) III.1635-43. The list of cults of Roma in Asia Minor known down to the 1940s in Magie, *RRAM* II.1613-14, has now been superseded by the much longer list of all known Greek cults of Roma given by Mellor, *op. cit.* 207-28.
  - The cult of Flaminus was still being celebrated at Gytheum in Laconia in the reign of Tiberius (see E/H<sup>2</sup> 102.11-12) and at Chalchis in Euboea in Plutarch's time (Plot., *Flam.* 16.5-7; cf. *IG* XII.2.931.5-6). On the whole subject see Nilsson, *op. cit.* (in n.7 above) 178-80; Kurt Latte, *Römische Religionsgesch.* (1960) 312-13.
  - The best book I know on ancient Persia is R. N. Frye, *The Heritage of Persia* (1976). See also R. Ghirshman, *Iran* (1951; Eng. trans., 1954).
  - For the history of Edessa see J. B. Segal, *Edessa, 'The Blessed City'* (1970); E. Kirsten, 'Edessa', in *RAC* 4 (1959) 552-97.
  - See esp. C. B. Welles, 'The Population of Roman Dura', in *Stud. in Roman Econ. and Soc. Hist. in Honor of A. C. Johnson*, ed. P. R. Coleman-Norton (Princeton, 1951) 251-74; and J. B. Ward-Perkins, 'The Roman West and the Parthian East', in *PhA* 51 (1963) 175-99 (with Plates). For further bibliography (including the excavation reports) see *OCD*<sup>3</sup> 422, s.v. 'Europus'.
  - Sherwin-White, *RC*<sup>2</sup> 38-58 (cf. 200-14), 243, 271-2, 293, 295-306, 311-12, 334-6, 382 (with 336), citing most of the modern literature. See also Jolowicz and Nicholas, *HISRL*<sup>3</sup> 71-4.

## [VI.v]

- I cannot accept the position taken up by F. G. B. Millar, in *CR* 82 = n.s. 18 (1968) 265-6; and *JRS* 63 (1973) 61-7, which may perhaps be summarised as the belief that, in the time of Augustus, expressions such as 'res publica restituta' are 'not likely to have meant that the Republic was restored', and that Augustus never even claimed to have 'restored the Republic'. Millar is quite justified in pointing out that in some statements about a restoration of the 'res publica' that term must be translated 'the State' or 'the condition of public affairs': in addition to passages such as Livy III.20.1 (which he quotes); see Aug., *RG* I.1.3; and 2, where the Greek equivalents are worth noticing. But Augustus himself, in *RG* 34.1, claims to have transferred the *res publica* (surely, 'control of the state') from his own *potestas* into the *arbitrium* of the Roman Senate and People - and what is this but a claim to have done precisely what people mean nowadays when they speak of 'a restoration of the Republic': that is to say, of the state in its pre-Transviral constitutional and political form? The Greek version of *RG* 34.1 speaks of a transfer of *suprema*, mastery, from his own *egouia* to that of the Roman Senate and People; and in a famous deceitful statement in 34.3 Augustus shows that after the transfer just mentioned he wished to appear not to have complete *potestas* or *egouia*. I cannot see in what other form of words Augustus could have made a clearer claim to have 'restored the Republic' in the very sense which the phrase normally bears today. That the regime was now a monarchy in all but name was of course widely recognised from the first; but in theory it was not a monarchy. I see not the least reason to take the words of Vitruv., *De archit.* 1, *proef.* 1-2, and other passages quoted by Millar, as a disproof of the claim to have 'restored the Republic'. Velleius speaks specifically of the *forma* of the state (as a *republic*, therefore) in a much-quoted passage that ends with the words, 'Prisca illa et antiqua rei publicae forma revocata' (II.89.3). And there is a passage I should like to cite (written in the 30s, under Tiberius) which is not usually quoted in this connection: Val. Max. IX.1.5, 'postquam a Sulla viuentia Caesariana aequas rempublicam redaxi', where *rempublicam* (if that is the right reading; it is that of the Teubner editor, C. Kempe, 1888, accepted by P. Constant, Paris, 1935) can only mean 'the Republic'. In spite of the chronological difficulty, *Caesariana* can only refer to Augustus (as in U.19), rather than Julius Caesar, because of *ibid.*, *Ext.* 1 (*eadem praeside republicae*), and *notoris Augusti* and 2 (speaking with *idem*, and dealing with events after the execution of Ariarathes by Mark Antony in 36).
- A. Monigiano was not justified in remarking, in his review of Syme's *Tiberius* (in reference to Syme's *RR*), that 'Ohne Nimmer als Vorgänger ist Syme nicht zu danken'; see *Comran* 33 (1961) 55, repr. in Monigiano's *Terzo Contributo alla storia degli studi classici e del mondo antico* (Rome, 1966) 739. When he wrote *The Roman Revolution*, Syme had not yet read Nannet.
- See esp. Brunt's fundamentally important article, *ALRR* = 'The army and the land in the Roman revolution', in *JRS* 52 (1962) 69-86; also his acute review, in *JRS* 58 (1968) 229-32 (esp. III.230-2), of Christian Meier, *Res Publica Amisae* (Wiesbaden, 1966). Relevant here too is another article by Brunt, '"Amicitia" in the Late Roman Republic', in *PCPS* 191 = n.s. 11 (1963) 1-20, repr. in *CRR* (ed. Seager) 199-218. For the 'general reader', Brunt's most useful article in this field is 'The Roman mob', in *Past & Present* 35 (1966) 3-27, repr. (with an addendum) in *SAS* (ed. Finley) 74-102. Those with at least a little further knowledge will also profit from Z. Yavetz, *Plots and Principles* (1969) 1-37; and Heinrich Schneider, *Die Entstehung der römischen Militärdiktatur. Krise und Niedergang einer antiken Republik* (Cologne, 1977). I am sorry to say that I cannot cite any other recent books or articles that share the same general position as mine; otherwise, we must go back to Beesly (see n.5 below).
- For a good brief statement about Optimates and Populares, see Brunt, *SCRR* 92-5. Never to the current standard view (which is not mine), but better than some other recent statements, is E. Badian's article, 'Optimates, Populares', in *OCD*<sup>3</sup> 753-4. He cites two recent works on the Populares, by K. Rübeling and C. Meier; add H. Strasburger, in *RE* XVIII.1 (1939) 773-98, s.v. 'Optimates'. The *locus classicus* for the distinction between Optimates and Populares, from the Optimate point of view, is of course Cic., *Pro Sen.* 96-103 (note esp. 105 on the Populares), 136-40.
- I do not mean to imply that the plebs cared much about the treatment of provincials: no doubt the majority of them wanted their share of the spoils of empire. But we should not forget that most of the few attempts to improve provincial administration, including the Gracchan jury bill and Caesar's important law of 59, were promoted by recognisably 'popularis' figures.
- I should like to take this opportunity of recommending the book by E. S. Beesly, *Catiline, Clodius, and Tiberius* (1878; repr., New York, 1924), a series of four brilliantly written and highly entertaining lectures delivered at the Working Men's College at St. Pancras. Beesly (1831-1915) was Professor of History at University College London. He was not just an

ancient historian; he also published a book on Queen Elizabeth, and wrote many articles on contemporary affairs. Although a Comtian Positivist rather than a Marxist, Beesly was chairman of the inaugural meeting at St. Martin's Hall, London, on 28 September 1864 of the International Workingmen's Association (the 'First International'). Several letters from Marx to Beesly in 1870-1 have been published in *MEW XXXIII*. See Royden Harrison, 'E. S. Beesly and Karl Marx', in *IRSH* 4 (1959) 22-58, 208-38; and 'Professor Beesly and the working-class movement', in *Essays in Labour Hist.*, ed. Asa Briggs and John Saville (rev. edn. 1967) 205-41. Marx described Beesly in a letter to Kugelmann on 13 December 1870 as 'a very capable and courageous man', despite some 'crotchets' deriving from his adherence to Comte; and in a letter to Beesly of 12 June 1871 he told Beesly that although he himself was very hostile to Comte's ideas, he considered Beesly as 'the only Comteist either in England or France who deals with historical "crises" not as a sectarian but as an historian in the best sense of the word' (*MEW XXXIII* 228-30). Harrison (see above) mentions several letters from Beesly to Marx which have not yet been published. The two always remained good friends: see the statement by Beesly quoted by Harrison, *op. cit.* (1959) 32 & n.3.

6. A particularly remarkable action of T. Gracchus was procuring the deposition by the *concilium plebis* of his fellow-tribune, M. Octavius, who in 133 by interposing his veto was threatening to defeat the popular will (Plut., *Ti. Gr.* 11.4 to 12.6, etc.). For Saturninus and Glaucia certain laws passed by the popular Assembly, prescribing the taking of oaths by magistrates and/or senators to obey them (see nos. 1 and 4-6 below), have sometimes been held to be relevant; and I would add Caesar's agrarian laws in 59 (nos. 2 and 3). Unfortunately, the dates of some of these laws (nos. 4-6) are uncertain. It has moreover been claimed that oaths by magistrates to obey laws were not new or necessarily 'popularis' measures: this I think is true, even if we draw (as we must) a firm distinction – not sufficiently recognised by G. V. Sumner, in *GRBS* 19 (1978) 211-25, at 222-3 n.52, or A. N. Sherwin-White, in *JRS* 62 (1972) 83-99, at 92 – between (a) the very general oath to obey the laws, which apparently had to be taken by every magistrate within five days of entering upon office and is known from 200 B.C. (Livy XXXI.56.6-9), and (b) oaths to obey a specific law, such as those mentioned in nos. 1-6 below. In spite of the opinions expressed by A. Passerini, in *Atten.* n.s. 12 (1934), esp. 139-43 and 271-8, and G. Tibiletti, in *id.* 31 (1953) 5-100, at 57-66, I would accept (1) the oath by every senator which was prescribed by the agrarian law of Saturninus (App., *BC* I.29-31; Plut., *Mar.* 29.2-11; cf. Cic., *Pro Sen.* 37, 101, etc.) as something objectionable to the senators not merely because they considered the law to have been passed illegally, cf. (2) Caesar's first agrarian law in his consulship in 59 (App., *BC* II. 12/42; Plut., *Caes. min.* 32.5-11; Dio Cass. XXXVIII.7.1; cf. Cic., *Pro Sen.* 61, etc.), which also imposed an oath on senators, and (3) Caesar's subsequent law on the *ager Campanus*, which contained a new kind of oath, for candidates for magistracies (Cic., *Ad Att.* II.xviii.2): there is reason to think that both these provisions were detested by Optimates, apart from the fact that the laws were stigmatised as having been passed illegally. Another law, (4), ordering oaths to be taken both by magistrates and by senators, is most probably (although not certainly) of the last year or two of the second century: the *Lex Latina tribuque Bantiae*, *FIRA*<sup>2</sup> 1.82-4, no. 6, §§ 3-4, lines 14-23 and 23 ff. (5) The *Frugeseinon Tarentinum*, first published by R. Barroccini in *Epigraphica* 9 (1947), published 1949) 3-31, and re-edited by Tibiletti, *op. cit.* 38-57 (cf. 57-66, 73-5), contains in lines 20-3 an oath by magistrates; but it cannot be securely dated (contrast Tibiletti, *op. cit.* 73-5; H. B. Mattingly, in *JRS* 59 [1969] 129-43, and 60 [1970] 154-68; Sherwin-White, *op. cit.*, and Sumner, *op. cit.*). The last of these texts is (6) the 'Pirate Law', of which one version was discovered at Delphi in the 1890s and another has recently been found at Cnidus: see the article by M. Hassall, M. Crawford and J. Reynolds, in *JRS* 64 (1974) 195-220, where there are combined texts and translations (201-7, 207-9). But even the Delphic version, which has an oath for certain magistrates (*FIRA*<sup>2</sup> 1.121-131, no. 9, C.8-19), provides no evidence that the law was 'popularis' or in any way anti-senatorial: see (esp.) on the crucial question of the date, for which I would accept 99 or the last days of 100 rather than 101-100 A. Giovannini and E. Grzybek, in *Mus. Helv.* 35 (1978) 33-47; Sumner, *op. cit.* To sum up – I regard only the oaths in nos. 1, 2 and 4 (the ones by senators, and perhaps that by magistrates in no. 4) and the one in no. 3 as significantly 'popularis' in character; in this context, no. 6 is almost certainly and no. 5 is possibly irrelevant.
7. See farther on in the main text above, and in 8-10 below, for the feelings of the plebs and the honours they paid to the memories of T. and C. Gracchus, Saturninus, Marius Gratidianus,

Catiline, Clodius and Caesar. It is very interesting to find Cicero feeling obliged to offer insincere praise to the Gracchi when addressing the People in a *contio*, as in the *De lege agr.* II. 10, 31, 81 (contrast I. 21, in the Senate) and *Pro Rabir. perd.* 14-15. His real opinions about the Gracchi were very different: see e.g. *De offic.* I.76, 109; II.43; *Lael.* 40; *De rep.* I.31; *De leg.* III.20; *Tusc. disp.* III.48; IV.51; *De fin.* IV.65; *De nat. deor.* I.106; *Bnac.* 212 (cf. 103, 125-6, 128, 224); *De or.* I.38; *Part. or.* 104, 106; *I Cat.* 29 (cf. 3); *IV Cat.* 13; *Pro domo ad pontif.* 82; *De harresp.* 41; *Pro Sen.* 140 (cf. 101, 103); *De prov. cons.* 18; *Pro Plane.* 88; *Pro Milon.* 14, 72; *In Vat.* 23; *VIII Phil.* 13-14. Several of these passages show that Cicero thoroughly approved the killing of both the Gracchi. The most recent treatment I have seen of this subject, by Jean Béranger, 'Les jugements de Cicéron sur les Gracques', in *ANRW* I.1.732-63, comes at the end to conclusions about Cicero's attitude which seem to me gravely mistaken and contradicted by much of the evidence Béranger himself cites. I cannot understand how anyone can say, as he does, 'Jamais il n'y a d'outrance, de dénigrement systématique ou d'acrimonie. Même s'il déplore leur action, Cicéron rend justice aux Gracques' (762). Even Cicero could hardly deny that the Gracchi were great orators and leading men! For Catiline, see also Sall., *Cat.* 35.3, 36.5; and esp. 37.1-2 (contrast 48.1-2), 61.1-6. It would be interesting to know whether Mark Antony really claimed to resemble Catiline, as Cicero alleged (*IV Phil.* 15).

8. Cicero must have had particularly in mind the man referred to in our sources (uniformly hostile to him) as L. Equitius, who in the last years of the second century B.C. aroused great excitement among the lower classes at Rome by representing himself as a son of Tiberius Gracchus, and who was killed in 100 immediately on his election to the tribunate. The main sources are only partly given in Greenidge & Clay, *Sources*<sup>2</sup> 96-7, 102, 108; add Cic., *Pro Rab. perd.* 20; Val. Max. III.viii.6; IX.vii.2 (incomplete in *Sources*<sup>2</sup>); xv.1; App., *BC* I.32, 33. Particularly interesting on the popular enthusiasm aroused by Equitius are the passages just cited from Val. Max. (for whom Equitius was a *portentum*, a *monstrum*), and App., *BC* I.32.
9. Cic., *De offic.* III.80; Seneca, *De ira* III.18.1; Pliny, *NH XXXIII* 132; XXXIV.27.
10. On the whole question of Caesar's great popularity with the masses see Z. Yavetz, *Plebs and Princeps* (1969), esp. 38-82. It is fascinating to observe how Augustus, while styling himself 'divi filius' and making full use of the appeal he possessed for the masses by being Caesar's heir, eventually dissociated himself from Caesar. This has been admirably brought out by Syme, *RPM* 12-14, showing how Augustan propaganda preferred to play down and as far as possible to forget Caesar. In Horace, as Syme puts it, 'Julius Caesar is not quite referred to as a person' (see only the 'Julian sidus' of *Od.* Lat. 47 and the 'Caesaris uxor' of *Li.* 44). In the *Aeneid*, Vergil ignores Caesar except in VI.832-5, where it is Caesar and not Pompey who is exhorted to throw down his arms first. Livy, as we know from Seneca (*NQ* V.xviii.4), professed to be uncertain whether the birth of Caesar had benefited the state, or whether it would not have been better for it had he not been born; and according to Tacitus (*Ann.* IV.34.4) Augustus used to call Livy a 'Pompeianus'. As Syme comments, 'These men understood each other. Livy was quite sincere; and the exaltation of Pompeius, so far from offending Caesar Augustus, fitted admirably with his policy' (*RPM* 13). Finally, although Pompey's image was carried in the funeral procession of Augustus, with those of other great generals, Caesar's was not. It could of course be said that Caesar had been deified and therefore was not to be considered a mortal man (see Dio Cass. LVI.34.2-3); but I would take the omission, as Syme does, as yet another piece of evidence that (as Syme puts it) 'It was expedient for Augustus to dissociate himself from Caesar... He exploited the divinity of his parent and paraded the title of "Divi filius"'. For all else, Caesar the proconsul and dictator was better forgotten' (*RPM* 13-14). [Syme's *RPM* is now repr. in his *Roman Papers* (1979) 1.205-17; see esp. 213-14.]
11. These events are described, and the sources given, in several modern works, among which I will mention only T. Rice Holmes, *The Roman Republic* (1923) II.166 and n.1. But cf. the book by E. S. Beesly, cited in n.5 above.
12. Cicero (*Ad Att.* IV.1.3-5) makes out that on his return from exile (decreed by a special meeting of the *comitia censores*) in August-September 57 he was greeted with unanimous enthusiasm both on his journey from Brundisium to Rome and in the city itself. This would be a surprising exception to the general rule, if it were true. It is of course easy to believe that 'everyone of every order' whose name was known to Cicero's *nomenclator* came out to meet him as he reached Rome (§ 5), and that all the *boni* and *honestissimi* welcomed him (§§ 3, 4). But we may expect Cicero to exaggerate, especially at such a time, and indeed in § 6 of the same letter he happens to mention that agitators 'egged on by Clodius' had demonstrated against him three days after

- his arrival in Rome. There are several indications of Cicero's unpopularity with the *plebs urbana*; see e.g. Dio Cass. XXXVII.38.1-2. He himself was well aware of it: see e.g. *Ad Att.* VIII.iii.5; xiD.7 (both from 49 B.C.); and *VII Phil.* 4 (43 B.C.), where Cicero boasts that he has 'always opposed the rashness of the multitude'; cf. Ascon., *In Milonian.* 33 (p.37, ed. A. C. Clark, OCT).
13. Yavetz, in the bibliography of his book cited in n.2 above, mentions George Rudé, *The Crowd in the French Revolution* (1959) there is now a paperback, 1967, and *The Crowd in History. A Study of Popular Disturbances in France and England 1730-1848* (1964). See also Rudé, *Paris and London in the Eighteenth Century. Studies in Popular Protest* (1970), a collection of essays published between 1952 and 1969; E. J. Hobsbawm and G. Rudé, *Captain Swing* (1969, Penguin 1973); Hobsbawm, *Roads* (1969); *Primitive Rebels* (1971).
  14. An admirable paper which is perhaps not as well known as it should be is Z. Yavetz, 'Levitas popularis', in *Athenaeum* n.s. 10 (1965) 97-110; and see Yavetz, 'Plebs sordida', in *Athenaeum* n.s. 43 (1965) 295-311; and 'The living conditions of the urban plebs in Republican Rome', in *Latomus* 17 (1958) 500-17, repr. in *CRR* (ed. Seager) 162-79. And see n.3 above. It is interesting to see how Cicero, in a speech delivered to the populace in a *curia*, could pretend to be shocked when recalling how his opponent, Rullius, had referred to the urban plebs as if he were speaking *de aliqua sentina, ac non de optimorum civium genere* (*De lege agr.* II.70).
  15. For the Roman census figures, the most authoritative work is now Brunt, *IM*.
  16. The facts and figures are mostly presented (not in a very easily assimilable way) in Frank, *ESAR* I. A useful selection will be found in A. H. M. Jones's contribution, 'Ancient empires and the economy: Rome', to the papers of the *Third International Conf. of Econ. Hist.* at Munich in 1965, Vol. III (1969) 81-104, at 81-90, repr. in Jones, *RE* 114-24.
  17. See Benjamin Farrington, *Diodorus Siculus: Universal Historian* (Inaugural Lecture, at Swansea, 1936, published 1937) = *Head and Hand in Ancient Greece* (1947) 55-87.
  18. In such passages as Varro, *RR* III.iii.10; xvii.2.3, 5-8, 8-9, Pliny, *NH* IX.167-72, we find among the owners of famous fishponds Q. Hortensius, M. and L. Licinius Lucullus, a Licinius Murena, and a Marcus Philippus. For Vedius Pollio, see Syme, *RR* 410 and n.3.
  19. See e.g. Cic., *Ad fam.* XV.1.5 (an official despatch to the Senate, from Cicero's province of Cilicia); *Pro lege Manil.* 65; *De orat.* 7; *Il. Ver.* III.207; v.126 (cf. *De off.* II.73); *Ad Att.* V.xvi.2.
  20. The *manubiae* or *manubiae*; see P. Treves, in *OCD*<sup>2</sup> 644, with brief bibliography. Cf. Jones, *RE* 116-17, with nn. 16-17. (The reference to Pompey's donative in n.16 should be to p.115 n.6.) And see the reference to Brunt, *IM* 394, in the main text above, a few lines on.
  21. The temporary interruption of the corn supply from Sicily as a consequence of the First Sicilian Slave War of 135 ff. B.C. must have had a serious effect on the urban poor at Rome, by raising the price of bread, their staple diet; and this may have helped to precipitate Ti. Gracchus' agrarian bill: see H. C. Boren, 'The urban side of the Gracchan economic crisis', in *AHR* 63 (1957/8) 890-902, repr. in *CRR* (ed. Seager) 54-66.
  22. And see III.iv above, & its n.5.
  23. See Brunt, *ALRR* 69 (the excellent opening para.), 79-80, 83, 84; and cf. his *IM*.
  24. It will be convenient if I mainly give references to Syme, *RR*. The cases I have in mind are in B.C. 44 (*RR* 118), 43 (*RR* 178-9, and see esp. 180-1), 41 (*RR* 209, and App., *BC* V.20/79-80), and 40 (*RR* 217).
  25. E.g. in B.C. 39 (Syme, *RR* 221), when they were successful in forcing on their leaders the 'Peace of Puteoli' or 'Treaty of Misenum'; and in 38 (*RR* 230; see App., *BC* V.92/384).
  26. See e.g. Lily Ross Taylor, 'Forerunners of the Gracchi', in *JRS* 52 (1962) 18-27. I myself feel that the passing of the ballot laws, *leges tabellariae* (of which Cicero so deeply disapproved), deserves more emphasis than it usually receives, for ballot voting of course makes it much more difficult, perhaps impossible, for leading men to ensure that their clients, or those they have bribed, vote in the 'right' way. Of the *leges tabellariae*, the two most important were before 133: the Lex Gabinia of 139 for elections, and the Lex Cassia of 137 for trials other than for *perduellio*. The main sources are all in Cicero: *De leg.* III.33-9 (esp. 34, 35, 39); *Lael.* 41; *Pro Sest.* 103; *Pro Planc.* 16; *Brut.* 97, 106; cf. *De lege agr.* II.4; *Pro Cornel.*, ap. Ascon., p.78.2-3, 5-8 (ed. A. C. Clark, OCT). See, briefly, Brunt, *SCRR* 65-6; E. S. Staveley, *Greek and Roman Voting and Elections* (1972) 158-9, 161, 228-9, 253 n.302. For C. Flaminius, who appears to have been the most notable pre-Gracchan *popularis*, and was tribune in 232 and consul in 223 and 217, see Z. Yavetz, 'The policy of C. Flaminius and the Plebiscitum Claudianum. A reconsideration', in *Athenaeum* n.s. 40 (1962) 325-44.

27. Anyone who wishes to read an account of the Gracchi, and of the period that followed, totally different from the one given here might try R. E. Smith, *The Failure of the Roman Republic* (1955). This is well summarised in the opening words of the review by G. E. F. Chilver, in *JRS* 46 (1956) 167: 'The story Professor Smith tells is of the destruction of a close-knit and harmonious society by the irresponsibility of two brothers, young men in a hurry, who tried to apply philosophical learning to the handling of a political structure peculiarly ill adapted to absorb it. The result was disintegration, not only of politics, but of morals, religion, taste; and the work of the Gracchi was not undone until Augustus imposed the harmony which Rome might otherwise have reached through peaceful change.' Another account of Ti. Gracchus, totally different again from mine and exhibiting that obsession with the prosopography of the ruling Roman families which has been so common in recent years, is D. C. Earl, *Tiberius Gracchus* (1963), on which see the review by P. A. Brunt, in *Gnomon* 37 (1965) 189-92 - attacked, unsuccessfully in the main, by Badian, *TGBRR* 674-8 etc. (Badian's article is however a mine of bibliographical information, supplementing his 'From the Gracchi to Sulla (1940-1959)', in *Historia* 11 [1962] 197-245.) Another recent account of the fall of the Republic which seems to me deeply mistaken in its conception of the attitude of the Roman lower classes, but has had considerable influence, especially in Germany, is Christian Meier, *Res Publica Amissa* (Wiesbaden, 1966); see the review by Brunt, in *JRS* 58 (1968) 229-32, with which I am wholly in agreement. The best part of Meier's book is perhaps his criticism of the modern overemphasis on supposedly enduring political factions based to a considerable extent on the ties of kinship, intermarriage and *amicitia*. On this and other matters see also Brunt's article, 'Amicitia' (1965), cited in n.2 above; and T. P. Wiseman's very short article, 'Factions and family trees', in *Liverpool Classical Monthly* 1 (1976) 1-3.
28. See the review of Meier's book by Brunt (1968), mentioned in the preceding note, at 231-2, giving many references, esp. from Sallust. Of these, I would stress particularly *Hist.* I.12; *Cat.* 38-39.1; *BJ* 40.3, 41.2-8 (esp. 5); 42.1. I would also add *Hist.* III.48 (*Oratio Macri*), 27-8; *Cat.* 20.11-14; 28.4 with 33.1; 35.3; 37.1-4 (contrast 48.1); 57.7; 48.2; *BJ* 16.2; 31.7-8, 20; 73.6-7; 84.1.
29. See the works cited in VI.iv n.2 above.
30. The most interesting passages in the sources are App., *BC* III.86/353-6 and 88/361-2 (whether referring to two successive embassies or duplicating a single one); Dio Cass. XLVI.42.4 to 43.5. The words *παρρησία* and *παρρησιάζεσθαι* appear in App., *BC* III.88/362. Some initiative is attributed to the legions by App., *BC* III.86/353, 356; 88/361, 363; contrast Dio Cass. XLVI.42.4, with 43.1; cf. 43.5, where a senator asks whether the men have been sent by the legions themselves or by Octavian.
31. For early 43 B.C., see Cic., *Ep. ad Brut.* I.xviii.5 (fraudulent returns by the recalcitrant *boni viri*); cf. Dio Cass. XLVI.31.3 to 32.1. For the further taxation on land and houses later in 43, see Dio Cass. XLVII.14.2: the owner of a house in Rome or Italy had to pay a sum equal to the annual rent if it were let, and half that amount if he occupied it himself; owners of land had to pay half its produce in tax. For the tax on land and slaves in 42 B.C., see Dio Cass. XLVII.16.1 to 17.1, esp. 16.5 on under-assessment. For 39 B.C., see App., *BC* V.67; Dio Cass. XLVIII.34.2.4. For 32 B.C., see Dio Cass. I.10.4-6; Plut., *Ant.* 58.2.
32. App., *BC* IV.32-34; Val. Max. VIII.iii.3.
33. Birley, *TCCRE* 263 n.2, traces the changes in the taxes that fed the *aerarium militare*, to A.D. 38.
34. For the attempts in 22 B.C. to induce Augustus to become dictator, consul every year, and a sort of censor for life, see Aug., *RG* 5.1.3; Vell. Pat. II.89.5; Suet., *Aug.* 52; Dio Cass. LIV.1.2-5 (esp. 3) and 2.1; cf. 6.2 (21 B.C.) and 10.1 (19 B.C.).
35. I think this is certainly the meaning of *τις τῶν ὁρίων ὑπομαστρού* in Dio Cass. LX.15.3. For the name, see *PIR*<sup>2</sup>, A no. 1140.
36. It is widely held that under the Principate the provinces were much better governed. There is some truth in this, but serious abuses continued: see esp. Brunt, CPMEP = 'Charges of provincial maladministration under the Early Principate', in *Historia* 10 (1961) 189-227, and Section vi of this chapter.
37. 'Obscuro loco natus', of course, was a taunt that became familiar in the Late Republic. See esp. the fourth chapter of T. P. Wiseman, *New Men in the Roman Senate 139 B.C. - A.D. 14* (1971) 65-94. Perhaps I could also mention here again the useful little article by Wiseman, cited at the end of n.27 above; and the large book by Israel Shatzman, *Senatorial Wealth and Roman Politics* (*Coll. Latomus* 142, Brussels, 1975), which however is marred by a number of errors, pointed out by reviewers. See also Maria Jacynowska, 'The economic differentiation of the Roman nobility at the end of the Republic', in *Historia* 11 (1962) 486-99.

38. See the list given by Millar, in *JRS* 63 (1973), at 63 n.92.
39. Pliny, *Epist.* 63.2; 77.7; 92.1, 2, 3; 93.1; cf. 77.1; 93.2.
40. On patronage, see also Lily Ross Taylor, *Party Politics in the Age of Caesar* (Berkeley etc., 1949, repr. 1961) 41-9, 174-5 and *passim*. Further bibliography will be found in A. Momigliano's articles, 'Clients' and 'Patronus', in *OCD*<sup>2</sup> 252, 791.
41. Less attention has been paid to this subject than it deserves, even in two useful recent books. J. M. Kelly, *Roman Litigation* (1966), and Peter Garnsey, *SSLPRE* (1970).
42. For a good brief account of the whole subject (including *destinatio*, *commendatio* and *nominatio*, and the *Tabula Hebana*), see Staveley, *op. cit.* (in n.26 above) 317-23, with 261-3 nn.423-48, where sufficient bibliography will be found. [After this section was finished, there appeared an interesting paper by A. J. Holliday, 'The elections of magistrates in the Early Principate', in *Latomus* 37 (1978) 874-93.]
43. Eurap., *VS VII*.31.9 to iv.1, pp.476-7 (Boissonade), ed. Joseph Giangrande, Rome, 1956. The passage can also be found on pp.440-3 of the Loeb edition of Philostratus and Eunapius, by W. C. Wright, 1921 and repr. For Maximus, see *PLRE* 1.383-4.
44. There is an excellent study of *amicitia* in the Late Republic, by P. A. Brunt: see n.2 above. Vatinius was of course joking when he said he was writing to Cicero (*Ad fam.* V.ix.1) as if a *cliens* to his *patronus*. As for the term *amicus*, it could sometimes be used in rather a surprising way, as when Quintus Cicero tells his brother that he is pleased at the prospect of Tiro's manumission, so that he can be an *amicus* rather than a *seruus* (*Ad fam.* XVI.xvi.1).
45. Cf. Dio Cass. I.VII.viii.6.
46. Another leading Roman historian, who kindly read a draft of this section, objected to my saying that the presence of Tiberius 'prevented' these unjust judgments from being given: 'No,' he said, 'that was the *basement*.' But again, the Latin is perfectly clear: the 'consulitur' belongs to the next sentence; 'multa . . . constituta' can only mean that decisions were actually given 'adversus arbitrium et potentiam praesens'.
47. This passage is also not noticed by Walter Jens, 'Libertas bei Tacitus', in *Hermes* 84 (1956) 331-53.
48. Momigliano is certainly right about Wirszubski's view: see his *LPIR* 3-4, 4-5, 7-9, 14 & *passim*. But against a too close identification of *libertas* with *ciuitas* see Ernst Levy, 'Libertas und Civitas', in *ZSS* 78 (1961) 142-72.
49. Wirszubski speaks of Cicero's 'moral idealism' (*LPIR* 87), and his sympathies are strongly with Cicero's thoroughly oligarchical position: see e.g. his *LPIR* 71-4 (with the second paragraph of 52) and other passages. He can even say, 'Tacitus knew that at its best the Republican constitution provided genuine political freedom' (*LPIR* 163).
50. Cf. V.iii and its n.10 above.
51. For the main facts, see Walter Allen, 'Cicero's house and *libertas*', in *TAPA* 75 (1944) 1-9. Wirszubski refers to Cic., *De Iur.* 110 & 131, but only in a footnote, to justify his statement that 'Clodius must have also posed as liberator' (*LPIR* 103 n.4). He does not even mention the temple of *Libertas*.
52. I must not pursue this issue further here, as it is not sufficiently relevant to my main theme. It will be enough to refer mainly to one author, Sallust: see his *Cat.* 20.14 (from the speech of Catiline to his associates: cf. 58.8.11, and for the spirit animating the rebels, 61); 33.4 (from the speech of C. Manlius); *Hist.* III.48.1-4, 12-13, 19, 26-8 (from the speech of C. Licinius Macer in 73 B.C.). Wirszubski pays little attention to such texts, although he refers to some in footnotes and gives the ironical Sall., *Hist.* III.48.22 as an example of the 'misuse' of the expression *libertas* (*LPIR* 103). I should also like to draw attention to a couple of expressions in Livy (already mentioned in n.5 to Section ii of this chapter), which bring out particularly well the highly oligarchical sense of *libertas* (of Cicero's and Wirszubski's *libertas*): Livy II.41.2, where Spurius Cassius is said to 'periculosas libertati opes struere' by giving the plebs the land they so sorely needed (cf. § 5: *servitutem*); and VI.20.14, remarking that M. Manlius, who was put to death on a trumped-up charge (see n.5 to Section ii of this chapter) of aiming at *regnum*, would have been *memorabilis* had he not been born in *libera civitate*!
53. The phrase occurs e.g. in *Pro Sest.* 98; *Ad fam.* I.ix.21.
54. Perhaps the most accessible recent scholarly discussion, for the English reader, is Wirszubski, 'Cicero's *cum dignitate otium*: a reconsideration', in *JRS* 44 (1954) 1-13, which is reprinted in *CRR* (ed. Seager) 183-95. The most important of the relevant passages in Cicero is perhaps *Pro Sest.* 98.
55. See the recent article by K. E. Petzold, 'Römische Revolution oder Krise der römischen

- Republik?' in *Riv. stor. dell' Ant.* 2 (1972) 229-43, whose outlook is very different from mine. He discusses a number of different views.
56. Cf. Fronto, *Princip. hist.* 17 (pp.199-200, ed. M. P. J. van den Hout, Leiden, 1954): 'ut qui scriberet populum Romanum duabus praecipue rebus, annona et spectaculis, teneret' etc.
57. The letter (never actually despatched) was written in French, at the end of 1877, to the editor of a Russian journal: see *MESC* 379; *MEW* XIX.111-12. The words 'mob' and 'poor whites' are in English in the original. Cf. Marx's reference to 'the Roman plebs at the time of bread and circuses' (*Grundrisse*, E.T. 500) = Hobsbawm, *KMPCEF* 102).
58. J. P. V. D. Balsdon, 'Panem et circenses', in *Homages to Marcel Renard II* (= *Coll. Latomus* 102, Brussels, 1969) 57-60; *Life and Leisure in Anc. Rome* (1969) 267-70.
59. Even in the Late Republic it was possible for Cicero to say that the Roman people made clear their point of view (their *iudicium ac voluntas*) not only in *contiones* and *comitia* (for the difference, see Section ii of this chapter) but also at the games and gladiatorial shows (*Pro Sest.* 106-27: for the games etc. see 115 ff., esp. 115, 124).
60. Sall., *BJ* 73.4-7 writes rather as if the election of Marius as consul was due to the *opifices agrestesque*; but this can hardly be so, since the consular elections were held in the *comitia centuriata*; and it was no doubt the support of the equestrians and the well-to-do non-nobles which was decisive (cf. *ibid.* 65.4-5).

## [VI.vi]

1. This appears as early as the 'Persian Debate' in *Plautus* (III.80.6), for which see V.ii n.11 above.
2. See esp. J. A. O. Larsen, *Representative Government in Greek and Roman History* (= Sather Classical Lectures 28, Berkeley etc., 1955); and *Greek Federal States. Their Institutions and History* (1968); also F. W. Walbank, 'Were there Greek federal states?', in *Scr. Class. Israelica* 3 (1976/7) 27-51, which rightly upholds the genuinely federal character of some of the Greek confederations, against A. Giovannini, *Untersuchungen über die Natur u. die Anfänge der bundesstaatlichen Symphonie in Griechenland = Hypomnemata* 33 (Göttingen) 1971, who argues that they were unitary states, not 'Bundesstaaten' or 'Staatenbünde'.
3. Diocletian's *des imperii* is now known to have been 20 November 284: see P. Beatty Panop. (1964) 2, lines 162-3 etc. (with p.145).
4. See, briefly, J. P. V. D. Balsdon, in *OCD*<sup>2</sup> 877-8, s.v. 'Principes'. The most comprehensive treatment that I have seen is the article by Lothar Wickert, 'Principes (civitatis)', in *RE* XXII.ii (1954) 1908-2296. See also Wickert's survey of recent work on the Principate, in *ANRW* II.i (1974) 3-76; his useful article, *PF* = 'Der Principat und die Freiheit', in *Symbolae Coloniensis Iosephi Kroll Sexagenario . . . obitum* (Cologne, 1949) 111-41; and his less interesting 'Principes und *basileus*', in *Klio* 36 = n.F. 18 (1944) 1-25; also De Martino, *SCR*<sup>2</sup> IV.i.263-308. Wickert's article in *RE*, and Jean Beranger, *Recherches sur l'aspect idéologique du Principat* (= *Schweizer. Beitr. z. Altertumswiss.* 6, Basle, 1953), are reviewed at length by W. Kunkel, in his third 'Bericht über neuere Arbeiten zur römischen Verfassungsgesch.', in *ZSS* 75 (1958) 302-52. I have found scarcely anything that is both new and illuminating in the recent article by D. C. A. Shotter, 'Principatus ac libertas', in *Ant. Soc.* 9 (1978) 235-55.
5. I must not discuss here the official titles of the Principes, even the most important, 'Augustus', which 'connotes no magisterial powers at all, and is yet the highest that the Principes bears' (Jolowicz and Nicholas, *HISRL*<sup>2</sup> 343). Although the title of Augustus was often applied to Tiberius, he never officially assumed it, nor did Vitellius in 69.
6. Aug., *RG* 13.30.1; 32.3; and in *Suet.*, *Aug.* 31.5; cf. e.g. Ovid, *Fasti* II.142; Tac., *Ann.* I.1.3; 9.6. The usual Greek translation of *princeps* is *ἡγεμὼν* - a word which could also stand for *dux* (cf. Aug., *RG* 25.2; 31.1). Among various editions of the *Res Gestae*, the best and fullest is that by Jean Gagé, *Res Gestae Divi Augusti* (Paris, 1950). Non-specialists will find useful the Latin text (following, with 'minor changes of punctuation', that of E/J<sup>2</sup>, ch.I, where the Greek text will also be found), with English translation, introduction and commentary, by P. A. Brunt and J. M. Moore, *Res Gestae Divi Augusti. The Achievements of the Divine Augustus* (1967).
7. Anyone who uses one of the older editions of the *Res Gestae*, such as the Loeb (1924, printed at the end of the history of Veiliius Paterculus), should beware of the Latin version of 34.3: *dignitate* (translated 'in rank'), in place of *auctoritate*, in reliance on the Greek, *ἀξιοκρατία*, known from the version discovered at Antioch, where the Latin word cannot be read. The Greek word

- was thought (not unreasonably) to justify the restoration of *deputate*, until the discovery of the version at Pisidian Antioch (published in 1927), which has *substituite*.
8. See e.g. De Martino, *SCR*<sup>2</sup> IV.1.278-85 (on *auctoritas*), 285-9 (on *potestas*).
  9. Seneca, *De Clem.*, uses *rex* in a good sense or couples *rex* and *princeps* (in singular or plural) in I.iii.3; iv.3; II.i.3; v.2; he uses *rex* as a synonym for *princeps* in e.g. I.vii.4; xiii.1, with 5; xvi.1-2; xvii.3, with 2, and for *imperator* in I.iv.2, with 1; cf. III.4; and he uses *rex* for the emperor himself in e.g. I.viii.1, 6, 7, with ix.1; xix.1-3, 5-6.
  10. Occasionally *rex* and *regnum* might be employed in 'philosophical' treatises for the good king and his rule, as by Cicero, *De rep.* I.42-3, 69; II.43, 48-9.
  11. Miriam Griffin, *Seneca* (1976) 133 ff., esp. 141-8, cf. 194-201.
  12. It is perhaps worth mentioning here that Tacitus never refers to an emperor as *rex* or (I think) uses *regno*, *regius* or even *rege* of an emperor, although he writes of men calling the Augustan house *domus regnatricis* (*Ann.* I.4.4). When he describes Antonius Felix, the procurator of Judaea, as exercising his *regnum* (*Hist.* V.9), he is presumably representing him as governing like one of the petty Oriental kings (to some of whom Felix was related by marriage); and when he speaks of the prefects of Egypt as acting *in regem* (I.11), he may only be thinking of the Ptolemies – although the prefects of Egypt, like the procurators of Judaea, were of course subordinates of the emperor. Yet in a fourth such passage Tacitus can say of Pallas, the freedman and *rationibus* of Claudius and Nero, that he *velut arbitrium regni agebat* (*Ann.* XIII.14.1); and of course Pallas was a pure imperial functionary at Rome. While prudently refraining from applying monarchical terminology to even 'bad emperors', Tacitus evidently felt less hesitation in castigating their subordinates openly for the way they exercised the quasi-regal powers they derived directly from their imperial masters. *Rege* (especially in its present participial form) is occasionally used of emperors from the early Principate onwards, as when Valerius Maximus (writing in the 30s) speaks of *divi quidem Augusti etiam nunc terras regentis excellentissimum numen* (IX.xv.2); and I think it might be possible to find earlier parallels even to such a statement as that of Mamertinus, *Paneg. Lat.* II.xi.2-3 (A.D. 289), congratulating Diocletian and Maximian because they 'rule the state with one mind' (*rem publicam una mente regitis*), and referring to their *maiestas regia*, increased by their *gemmatum numen*, while at the same time they preserve by their unity the advantage of single command (*imperium singulare*). I ignore Statius and Martial here: for them see n.68 below. Examples of the use of the words referred to in this note and similar ones – *rex*, *rege*, *regno*, *regnum*, *regnat*, *regius*, *regalis*, and *regina* for an empress – are given by Wickert at cols.2108-18 of his article in *RE* cited in n.4 above.
  13. This statement by Claudian was quoted with great approval in the seventeenth century, notably by Ben Jonson, as Alan Cameron has recently demonstrated (*Claudian* 434-7).
  14. The date of *Anth. Pal.* X.25 depends on a proclamation of Asia for L. Calpurnius Piso (cos. 15 B.C.), probably in 9/8 B.C.; see Sir Ronald Syme's brilliant article, 'The Titulus Tiburtinus', in *Akten des VI. Internat. Kongr. für Griech. u. Latein. Epigraphik, München 1972* = *Vestigia* 17 (1973) 585-601, at 597.
  15. E.g. by H. J. Mason, *Greek Terms for Roman Institutions. A Lexicon and Analysis* = *Amer. Stud. in Papyrology* 13 (Toronto, 1974) 117-21, at 120.
  16. Josephus speaks of the Roman emperors as βασιλεῖς in *BJ* III.351, IV.536; V.563. In V.58 he even calls Titus ὁ βασιλεὺς (cf. § 60), although Titus was as yet only Caesar (and of course Vespasian was still alive when Josephus was writing). Josephus also speaks of the βασιλεία of Vespasian (V.409) and uses the verb βασιλεῖν in I.5 and IV.546 of aspirants to the imperial throne in A.D. 68-9. As far as I can see, Josephus does not use comparable language in his other works. Could this be because the *Jewish War* was originally written in Aramaic? (See *BJ* I.3; but of course the *BJ* is much more than a mere translation and probably incorporates extensive rewriting.)
  17. Of the Orations of Dio Chrysostom, nos. I-IV are entitled *On kingship*, and no. LVI *Agamemnon, or On kingship*; no. LXII is *On kingship and tyranny*; and cf. VI, *Diogenes, or On tyranny*. In several of these the rule of the Roman emperor is clearly seen as a form of βασιλεία, and e.g. in LXII.1 the words βασιλεῖν . . . ὡς περ σὺ are directly addressed to the emperor, surely Τίτῳ. In VII.12 (the 'Euboean Oration') the peasant is made to refer to the emperor as ὁ βασιλεὺς.
  18. For the date of Dio Chrys. XXXI, see A. Momigliano, in *JRS* 41 (1951) 149-53. The reference in XXXI.150 is to Nero (contrast § 110: τῶν ἀποκρατόρων τις), as is that in LXXI.9.
  19. E.g. *Ju* XIX.15; *I Tim.* ii.2; *I Pet.* ii.13 (cf. 14), 17; and esp. *Rev.* XVII.10.

20. Dio Cassius (most of whose History was written in the first quarter of the third century) habitually uses ἀποκράτωρ for an emperor; but Herodian (writing about the middle of the third century) and Dexippus (*FGH* II.A.100, writing mainly in the 260s-270s) regularly call the emperor βασιλεὺς. Particularly interesting is Dio L.III.17.
21. It is perhaps worth adding a reference to *IG* V.1.572, lines 4-5, from Sparta, where Gordian III is τὸν θεοειδέστατον βασιλέα ἀποκράτορα Καίσαρα (A.D. 239-44).
22. See Ostrogorsky, *HBS*<sup>2</sup> 106-7; Averil Cameron, 'Images of authority [etc.]', in *Past & Present* 84 (1979) 3-35, at 16 & n.58.
23. For John Lydus see, briefly, A. Momigliano, in *OCD*<sup>2</sup> 630, s.v. 'Lydus'; and Jones, *SRGL* 172-4; *LRE* II.651-2 etc. The standard edition is the Teubner, by R. Wuensch (Leipzig, 1903). There is an English translation by T. F. Corney (Lawrence, Kansas, 1971).
24. The longest account we have of the murder of Gaius and the accession of Claudius is *Jos.*, *AJ* XIX.37-273 (see esp. 115, 158, 162, 187-9, 224-5, 227-8, 229-33, 235, 249-50, 255, 259-61, 263); cf. *HJ* II.204-14 (esp. 205); *Suet.*, *Claud.* 10.3-4; Dio Cass. LX.1, esp. §§ 1.4, *Jos.*, *AJ* XIX.187-8, speaks of the Republic as a δημοκρατία (cf. 162, and contrast *HJ* II.205: ἀριστοκρατία), and of the Principate (from the point of view of the senators) as a τυραννίς and its opposite as τὸ ἀβασίλευσθαι; in id. 227-8 the emperors are τυράννοι and their rule δουλεία, again in the Senate's opinion. (The passage that follows, on the attitude of the δῆμος, is quoted in the text of Section v of this chapter, just after the reference to n.34.)
25. E.g. *κελεύω*, line 58 (in *Edict* II); *καίω*, lines 54-5 (in *Edict* II); *ἀπόκει* (lines 67, 70 in *Edict* IV). The edicts are translated into English by Lewis and Reinhold, *RC* II.36-42, no. 9.
26. Lines 13-14, cf. 36-7 (in *Edict* I). I must say, I would regard merely as another piece of tactfulness, calculated to gratify all members of the Senate, the oath taken at their accession by all (or nearly all) emperors from Nerva to Septimius Severus, not to put senators to death: see A. R. Burley, 'The oath not to put senators to death', in *CR* 76 = n.s. 12 (1962) 197-9.
27. See Jones, *LRE* I.132-4, 144, 331-2; II.527-8, 554-6.
28. See Jones, *LRE* I.24-5, 48-9. I have not been able to read Lukas de Blois, *The Policy of the Emperor Gallienus* (Leiden, 1976).
29. Contrast H. W. Pleker, 'Domitian, the Senate and the provinces', in *Mnem.*<sup>4</sup> 14 (1961) 296-315, esp. 301-3, 314-15. A less hostile view of the reign of Domitian than used to be customary has also been taken by other recent writers, e.g. T. A. Dorcy, 'Agricola and Domitian', in *GER* 7 (1960) 66-71; K. Christ, 'Zur Herrscherauffassung u. Politik Domitians. Aspekte des modernen Domitianbildes', in *Schweizer. Ztschr. für Gesch.* [Zürich] 12 (1962) 187-213; B. W. Jones, 'Domitian's attitude to the Senate', in *AJP* 93 (1973) 79-91.
30. See e.g. Jones, *LRE*, Index, s.v. 'defensor civitatis', especially I.144-5, 279-80 (with III.55 n.25), 479-80 (with III.134 n.20), 517 (with III.148 n.108); II.726-7 (with III.229 nn.31-2), 758-9 (with III.242 nn.104-5). See also, more briefly, Stein, *HBE* I.180 (with ii.512 n.123), 224-5, 376-7. The most interesting texts are *CTh* I.xxix.1-8; XI.viii.3; XIII.xi.10; *Nov. Major.* III; *CJ* I.lv.1-11. (The *iudices* introduced by Anastasius I probably represent a similar policy.) I must add that some time before Valentinian and Valens made the office of *defensor civitatis* a general one, *defensores* are found in some eastern provinces; and we happen to possess a remarkably detailed record of some proceedings before the *defensor civitatis* of Arsinoë in Egypt in A.D. 340: *SBV* (1955) 8246 = *P. Col. inv.* 181-2; a full text with an Eng. trans. and notes is given by C. J. Kraemer and N. Lewis, 'A referee's hearing on ownership', in *TAPA* 68 (1937) 357-87.
31. Thus Cardascia, *ADCH* 310 n.1.
32. With *Sall.*, *BJ* 41.8, cf. *Caes.*, *BG* VI.22.3 (the Germans seek to prevent *potentiores* driving *humiliores* from their lands). And see NG. TRANS. AND NOTES IS GIVEN BY C. J. Kraemer and N. Lewis, 'A referee's hearing on ownership', in *TAPA* 68 (1937) 357-87.
33. Thus Cardascia, *ADR. IN THE REIGN OF Tiberius*; Tac., *Ann.* XV.20.1 (*ut solent praevalidi provincialium et opibus nimis ad iniurias minorum clari*); Pliny, *Ep.* IX.v.2-3 (*gratae potentium*); *Dig.* I.xviii.6.2, for the *Opimones* (probably of the 220s-230s) attributed to Ulpian (it should be a matter of conscience for the provincial governor to see to it *ne potentiores viri humiliores iniuriis adficiant*); cf. also the *seniores* in Ael. Aris., *To Rome* 65, and Dio Cass. LII.37.6-7.
34. One of the earliest Greek texts discussing monarchy, namely the very end of Xenophon's *Oeconomicus* (XII.12), says that to procure willing obedience a man must have divine qualities: it is *θεῖον τὸ ἐθέλειν ἄρχεω*, while *τὸ ἀδύνατον τυραννεῖν* results in a life like that of Tantalus, of whom it was said that he spends eternity in Hades, dreading a second death.
34. Mommsen's view is well summarised by Jolowicz and Nicholas, *HISRL*<sup>3</sup> 342-4, with

- references. Constitutional lawyers are naturally more inclined than most historians to take seriously the proclaimed principles of a constitution, however bogus they may be in practice. Thus a leading Roman lawyer, Fritz Schulz, could say that the restoration by Augustus of 'the free State, the *libera res publica* (in contradistinction to the absolute monarchy, the *dominatio*) ... was not a foolish attempt to delude the people, but, looked at juristically, the literal truth' (PRL 87-8). According to Schulz, again, 'the Roman state under the Principate was a free communal body, for the Principate was not a Dominate' (PRL 141); but in support of this claim Schulz proceeds to cite isolated passages from Pliny's *Panegyricus* (141 n.2), while noting that 'Pliny in his letters addresses Trajan simply as *dominus*', a term he is 'careful to avoid' in the *Panegyricus*! Cf. also Schulz's statement that 'to him who has no feeling for juristic distinctions the Romans must ever remain incomprehensible; the Romans' assertions, honest enough, but limited to their meaning in law, most seem to him to be nothing but cunning hypocrisy' (PRL 144). Although an ex-lawyer myself, I can feel no sympathy for Schulz's outlook.
35. For those who wish to examine later monarchical thought in the Latin West there is an ample literature. A. J. Carlyle, *A History of Mediaeval Political Theory in the West* (1927) is still a mine of useful information. A recent book dealing briefly but well with the early mediaeval period is Walter Ullmann, *A History of Political Thought in the Middle Ages* (Pelican Hist. of Pol. Thought, Vol. 2, 1963, improved repr. 1970).
36. The same is true, as Brunt points out, of the so-called 'Tabula Hebana' (EJ<sup>2</sup> 94a), which calls itself a *rogatio* (line 14 etc.) but is also cast in the form of a *senatus consultum*.
37. Cf. Inst. J. I.ii.5; Ulpian, in Dig. I.iii.9. Pomponius – solemnly, or with his tongue in his cheek? – also attributes the institution of the Principate itself to the difficulty the Senate had in attending properly to everything: *nam senatus non perinde omnes provincias probe gerere poterat* (Dig. I.ii.2.11).
38. This raises some much-disputed questions, on which see e.g. Jolowicz and Nicholas, *HISRL*<sup>3</sup> 359-63; Zulueta, *Inst. of Gaius* II.20-3; Berger, *EDRL* 681.
39. In Dio Cass. LIII.18.1 the historian is clearly thinking of the Latin words, 'legibus solutus est'. And he adds that the emperors have all things appertaining to kings except the empty title.
40. Dio Cass. LXVIII.2.1 does not bother to mention any *lex*.
41. For the appearance of hippodromes in the Greek East, later than is often realised, see Cameron, *CF* 207-13.
42. We must notice, of course, that Baynes refers, not to 'election' by the people but only to their 'acclamation'. He does, however, speak of 'the people' – hardly an appropriate term for the insignificant fraction of 'the people' who might be assembling, in the Circus perhaps, on a particular occasion. (A twentieth-century market researcher would not be satisfied to call them even a 'random sample' of 'the people'.)
43. It will be sufficient to refer to Amm. Marc. XVI.xii.64; XX.iv.14-18; XXV.v.1-6; XXVI.i-ii; XXVII.vi.10-16; XXX.x.4-5; cf. XV.viii.1-18, also v.15-16; XXVI.vi.12-18; vii.17.
44. 'Sententiam militum secuta patrum consulta.' Cf. XI.25.1, where a senatorial decision obediently 'followed the *prætoris principis*'.
45. R. Syme, *Emperors and Biography* (1971) 242-3, thinks this invitation a fiction.
46. The most plausible account seems to me that of Bury, *HLRE*<sup>2</sup> II.16-18, followed in effect by Jones, *LRE* I.267-8. See also Stein, *HBE* II.219-20; A. A. Vasiliev, *Justin the First* (Cambridge, Mass., 1950) 68-82. The power of the Senate at Constantinople had perhaps begun to revive by the seventh century, as shown especially by its deposition of Heraclonas and Martina in 641 (see Ostrogorsky, *HBS*<sup>2</sup> 114-15); but by then we are near the limit of this book. It is worth mentioning here the stress, as early as the 560s, on the senators' role on the accession of Justin II, as described in Corippus' poem on that subject (mentioned farther on in the main text above and at the beginning of n.79 below), II.163-277: see the excellent commentary in Averil Cameron's edition (n.79 below) 165-70, with full references to the modern literature.
47. See e.g. Jolowicz and Nicholas, *HISRL*<sup>3</sup> 341-4. There is much useful material in the chapter on succession to the Principate by De Martino, *SCR*<sup>2</sup> IV.1.403-31.
48. Cf. Tac., *Hist.* II.55 (Vitellius).
49. Cf. Liban., *Orat.* XXX.57, where *βασιλεια*, although the greatest of all offices, is subject to law; and other passages.
50. Among many other examples of the stock theme that the emperors have made themselves (or ought to make themselves) subject to the laws is Claudian, *De IV Cons. Honor. Aug.* 296-302, from a panegyric delivered in 398, on which see Cameron, *Claudian* 380 ff.

51. Among other imperial constitutions stigmatising disobedience to the imperial will as *sacrilegium* are *CTh* VI.v.2 (= *CJ* XII.viii.1); xxiv.4 (= *CJ* XII.xvii.1); VII.iv.30 (= *CJ* XII.xxxvii.13); and other examples given by Jones, *LRE* III.60 n.1.
52. Thus Robert Browning, *Justinian and Theodora* (1971) 69, part of a passage (65-9) which is the best introduction I know for the non-Byzantinist to the extraordinary story of Theodora. But Gibbon is at his best in *DFRE* IV.212 ff., esp. n.26. [See also now Alan Cameron, 'The house of Anastasius', in *GRBS* 19 (1978), at 271, making an interesting point about *CJ* V.iv.23, and referring (in n.30) to an article by David Daube, emphasising how 'every detail of the law is tailored to the particular dilemma of Justinian and Theodora'.]
53. *Dig.* Liii.31; XXXII.23; *Inst. J.* II.xvii.8; *CJ* VI.xxiii.23 are all in the context of marriage or testamentary laws.
54. Cf. other parts of the same article: *NH* 14.32-3 = *RE* 62.80. I am not impressed by the reply made to Jones by C. H. V. Sutherland, 'The intelligibility of Roman Imperial coin types', in *JRS* 49 (1959) 46-55, on which see M. H. Crawford, in Jones, *RE* 81 (the first para.).
55. John of Ephesus, *HE* III.14; see *The Third Part of the Ecd. Hist. of John, Bishop of Ephesus* (Eng. trans. from the Syriac by R. Payne Smith, 1860) 192, and the Latin trans. of the same work, *Ioannis Ephesini Hist. Eccles., Pars Tertia = Corp. Script. Christ. Orient., Ser. Syri* 55, ed. E. W. Brooks (Louvain, 1936, repr. 1952) 104.
56. P. M. Bruun, *The Roman Imperial Coinage* (ed. C. H. V. Sutherland and R. A. G. Carson) VII, *Constantine and Licinius A.D. 313-337* (1966) 33 n.3.
57. See the *Catalogue of the Byzantine Coins in the Dumbarton Oaks Collection and in the Whittemore Collection* II.1, by Philip Grierson (Washington, D.C., 1968) 95. The coins are illustrated in the same *Catalogue* I (1966), by A. R. Bellinger, Plate XLIX nos. 1-8b (see pp.198-200), and Plate LX nos. 2-7.4 (see pp.266-9). Among various literary passages that yield evidence of the interest of rulers in antiquity in stamping their coins with their own names and/or portraits is Procop., *Bell.* VII (= *Goth.* III). xxxiii.5-6. Perhaps I should just mention a rather ridiculous passage in the *Chronicle* (cxvi.3) of John of Nikiu (for which see VIII.iii.32 below). According to this, some said that the death of the Emperor Heraclius in 641 was due to his having stamped the gold coinage with the figures of the three emperors, himself and his two sons (as in fact he did), thus leaving no room for 'the name of the Roman empire'; after the death of Heraclius the three figures were removed. I find this absurd and unintelligible: the 'name of the Roman empire' did not in fact appear on the Roman coinage, but there would have been plenty of room for it on the reverse side of Heraclius' coins, even if the obverse were entirely used up!
58. See N. J. E. Austin, 'A usurper's claim to legitimacy: Procopius in A.D. 365/6', in *Riv. stor. dell' Ant.* 2 (1972) 187-94, at 193, with all necessary references.
59. I cannot give a proper bibliography here. Anyone not already acquainted with the subject could begin with that masterpiece, A. D. Nock's chapter, 'Religious developments from the close of the Republic to the death of Nero', in *CAH* X (1934) 465-511, esp. 481-503. The imperial cult is of course dealt with in the standard works on Greek and Roman religion, e.g. Kurt Latte, *Römische Religionsgeschichte* (Munich, 1960) 312-26; M. P. Nilsson, *Gesch. der griech. Religion* II<sup>2</sup> (Munich, 1961) 384-95, with 132-85 on the Greek background. There is a great deal of material in L. Cerfaux and J. Tondreau, *Le culte des souverains dans la civilisation gréco-romaine* (Tournai, 1957). The most recent work is *Le culte des souverains dans l'Empire romain = Entretiens sur l'antiquité classique* 19, Fondation Hardt (Vandoeuvres/Geneva, 1973); cf. the review by T. D. Barnes, in *AJP* 96 (1975) 443-5.
60. It might be a nice point to determine how far the 'families' extended for this purpose. See e.g. the prudent edict of Germanicus, *SP* II no. 211, lines 31-42.
61. Christian Habicht, in *Entretiens Hardt* 19 (1973) 33 (see the end of n.59 above).
62. I know of no text which brings out this difference properly, although a Greek writer may employ slightly different terminology when referring to appeals to the gods and the emperors respectively: e.g. Ael. Arist. XIX (*Ep. de Smyrn.*) 5, who uses *εὐχόμεθα* of prayers to the gods and *δεόμεθα* of requests to the *θεωράτας ἄρχοντας* – but then goes on at once to use *δεόμεθα* of appeals for benefits 'from gods and from men'.
63. Tac., *Hist.* IV.81, cf. 82; Suet., *Vesp.* 7.2-3; Dio Cass. LXVI.8.1.
64. Cf. Nock, *DJ* 118 n.28 = *ERAW* II.838 n.28: 'Sarapis miracles were a commonplace at Alexandria'.
65. In Lucian, *Philops.* 11 (probably written in the late 160s), the sick man who has been miraculously healed picks up his pallet and carries it off: this too reminds us of the miracles of Jesus, in Mk

- II.3-12 = Mt. IX.2-7 = Lk. V.18-25 (Galilee), and Jn V.2-16 (Jerusalem), where in every case the man who is healed walks off with his *κράβαττος* / *κλίνη* / *κλινίδιον*.
66. I would draw attention to Dio Cass. LV.10.9, where the 'Games' (*ἀγῶν ἑτήριος*; Strabo V.iv.7, p.246) set up at Neapolis in Campania in 2 B.C. (or A.D. 2), in honour of Augustus, and held every four years, are described by Dio as nominally in gratitude for the restoration of the city by Augustus after an earthquake, but in reality because they were 'trying to emulate, in a way, Greek customs' (cf. LX.6.2). Dramatic competitions were included. Suet., *Claud.* 11.2 records that the Emperor Claudius produced a play there. One of the last acts of Augustus himself was to preside over these Games (Dio Cass. LVI.29.2; Vell. Pat. II.123.1; Suet., *Aug.* 98.5). Known as *ἱερὰ ἀγῶνα Σεβαστὰ ἱερὰ ἱεροκρίματα*, they were famous, and evidently very influential in the spread of such customs in the West: see G. Wissowa, *Religion u. Kultus der Römer*<sup>2</sup> (Munich, 1912) 341-2 n.10, 465 n.1; R. M. Geer, 'The Greek games at Naples', in *TAPA* 66 (1935) 208-21 (advocating a foundation date of A.D. 2). I should also like to mention here the very useful chapter, 'Provincial assemblies in the western provinces of the Roman Empire', in Larsen, *RGGRH* 126-44, which is too often overlooked.
67. It should be sufficient merely to refer to W. Ensslin, in *CAH* XII 338-9, where references will be found. Perhaps I could also mention *ILS* 629, in which Diocletian and Maximian are addressed as 'Dis genitis et deorum creatoribus dd. m.' Latin inscriptions and municipal coin-legends, of course, sometimes call the emperor 'deus' outright: for some early examples, see e.g. E/3 106 (= *ILS* 9495), 107 (the Roman *municipium* of Stobi), 107a (a coin of the Roman *colonia* of Tarraco).
- 67a. After this chapter was finished I read the lively and readable chapter by Keith Hopkins, in his *Conquerors and Slaves* (1978): 'Divine Emperors or the syncretic unity of the Roman Empire' (pp.197-242). This is not sufficiently well informed and is marred by several errors and misconceptions. Hopkins contradicts (p.227) the opinion I have expressed in the text above: he refers to Millar's article (ICP) but shows inability to refute it. On the same page he even quotes Tertullian, *Apol.* 10.1, thereby helping to demolish his own case, for the charge Tertullian mentions is not directly concerned with 'emperor worship' at all: the Romans are represented as saying to the Christians, 'You do not worship the gods; you do not offer sacrifice for the emperors.' Thus Hopkins's next sentence is a *non sequitur*. And his lack of acquaintance with Greek history has led to his presenting 'emperor worship' out of focus, by forgetting its origin in the cult of benefactors and always thinking in terms of 'ruler-cult'. That 'Augustus and his immediate successors . . . allowed temples and priests to be established in their honour, but only in association with an established deity, usually Roma' (ibid. 203-4) reveals a serious misconception, and confuses the limited number of cults at the provincial level with cults by cities and other bodies. And see now T. D. Barnes, in *AJP* 96 (1975) 443-5.
68. 'Jupiter': Mart. IV.8.12; IX.86.8; 91.6. 'Our Thunderer': VI.10.9; VII.56.4; cf. IX.39.1; 86.7. The passage in Statius is *Silv.* IV.3.128-9. For Statius on Domitian, see Kenneth Scott, 'Statius' adulation of Domitian', in *AJP* 54 (1933) 247-59. For the adulation of Domitian by both poets, see Franz Sauter, *Der römische Kaiserkult bei Martial u. Statius* (= *Tübinger Beitr. zur Altertumswiss.* 21, Stuttgart/Berlin, 1934). For Martial's very different attitude to Domitian after the latter's death, see e.g. Mart. X.72 (esp. 3, 8).
69. Suet., *Dom.* 13.2; Dio Cass. LXVII.4.7; 13.4; cf. Mart. V.8.1; IX.66.3, etc.
70. On the orations of Dio Chrysostom concerned with kingship (and tyranny), see n.17 above. Of these, the most interesting are I and III. For present purposes, see e.g. I.36; LXII.1; and III.50 ff., where Dio expresses great satisfaction with the present state of affairs, as 'happy and divine' (esp. §§ 61, 85-9, 111, 133 etc.).
71. I. A. Richmond, *Archaeology and the After-Life in Pagan and Christian Imagery*, a Riddell Memorial Lecture at the University of Durham (Oxford, 1950) 16-17. The most recent publication of the Arch of Beneventum, with excellent photographs and bibliography, is by F. J. Hassel, *Der Trajansbogen in Benevent: ein Bauwerk des römischen Senates* (Mainz, 1966): see esp. Tafeln 14-15. Hassel's conclusions, especially in regard to the date of completion of the Arch, are discussed in a long review by F. A. Lepper, in *JRS* 59 (1969) 250-61. Among many other works dealing with the iconography of the Arch, see Jean Beaujeu, *La religion romaine à l'apogée de l'Empire. I. La politique religieuse des Antonins 96-192* (Paris, 1955) 71-80 (esp. 73-6), 362, 431-7 (esp. 432). Some tricky problems arise. For example, is the scene between Trajan and Jupiter to be interpreted as an *adventus*, in which case the handing over of the thunderbolt (if that is what it is) must be a general concession of power, or is it a *profectio*, in which event the thunderbolt might perhaps symbolise no more than military power over external 'barbarians'?

72. Coins, especially in the third century, often display some god, most commonly Jupiter, handing the emperor a globe, the symbol of his power over the world: see W. Ensslin, in *CAH* XII.360-1, with references.
- 72a. It was only after this chapter was virtually finished that I saw J. Rufus Fears, *Princeps a diis electus: The Divine Election of the Emperor as a Political Concept at Rome* (= *Papers and Monographs of the American Academy in Rome* 26, 1977). It has not changed my views, expressed in the main text above, I am grateful to Peter Brunt for showing me a draft of his review, which has since appeared in *JRS* 69 (1979) 168-75. He too is unconvinced.
73. Cf. Cassiod., *Var.* VIII. sin.5, where Trajan says to an orator, 'Sume dictationem, si bonus fuero, pro re publica et me. Si malus, pro re publica in me.' Cassiodorus calls this 'dictum illud celeberrimum Traiani'.
74. The work in English with the most promising-sounding title is K. M. Setton, *Christian Attitude towards the Emperor in the Fourth Century* (= Columbia Univ. Stud. in Hist., Economics and Public Law 482, New York, 1945), but it is very disappointing: see e.g. the review by N. H. Baynes, in *JRS* 34 (1944) 135-40 (partly repr. in *BSOe* 348-50). In particular, as Baynes puts it, Setton 'treats Eusebius very scurvily' (ibid. 139).
75. I cannot give a bibliography here and will refer only to Baron, *SRHJ*<sup>2</sup> 1.63-6, and esp. 91-3 ('Antimonarchical trends'), with the notes; and Roland de Vaux, *Ancient Israel, Its Life and Institutions* (Eng. trans. by John McHugh, 1961) 94-114 (esp. 98-9), with the bibliography, 525-7.
76. Constantine's letter to Aeladius, a particularly interesting document, is preserved in Optatus, *Append.* III, ed. C. Ziwis (CSEL 26, 1893), re-ed. by C. H. Turner, *Eccles. Occid. Monumenta Iuris Aevi*, I.1.1 (1913) 376-8. It is no. 14 (pp. 16-18) in the admirable collection of sources for the origin of Donatism: *UED*<sup>2</sup> = *Urkunden zur Entstehungsgesch. des Donatismus*<sup>2</sup> (= *Kleine Texte für Vorlesungen u. Übungen* 122), ed. Hans von Soden, 2nd edn by Hans von Campenhausen (Berlin, 1950). There are several English translations, e.g. by J. Stevenson, *A New Eusebius* (1957) 318-20, no. 273; and P. R. Coleman-Norton, *Roman State and Christian Church* 1 (1966) 54-6, no. 19. See A. H. M. Jones, *Constantine and the Conversion of Europe* (1948) 110-11, where Jones calls the passage part of which I have quoted in the text above 'the key to Constantine's whole religious position'.
77. Read at least Euseb., *Triakont.* I.6; II.4.6; III.4.6; V.4; VI.1-2; VII.12; X.6.7; XI.1; XV.1-4.6. The most important passages are perhaps I.6 fin.; III.6; X.7. The most profitable work in English on the subject of the *Triakontaktikos* is Baynes, *BSOe* 48, 168-72. And see the last paragraph of V.31 and its nn.62-3 above. In the text above I have concentrated on Eusebius alone and have not tried to collect other material from the early fourth century which has been adduced in recent times as influencing his outlook or at least presenting parallels to it, such as Arrian, *Contra Gentes* 38.2-4; 43.3-4 (probably written as early as 318), from which the existence and necessity of monarchy in this world, bringing about universal harmony (for 'the rule of more than one' would be 'the rule of none'), is used as an argument for a single God, and vice versa.
78. The constitution *De auctoritate* is printed in the standard edition of the *Digest* (= *Corpus Iuris Civilis* Li.8.9), and with it the constitutions known as *Omnius* and *Tanta*. All are well translated by C. H. Muir, *The Digest of Justinian* I (1904) xiii ff. My own version will appear shortly in the translation of the whole *Digest*, edited by Alan Watson, which is about to be published by the Harvard University Press. The study of the *Corpus Iuris Civilis* has been materially advanced by the publication in 1978 of Tony Honore's book, *Tribonian*.
79. Flavius Crescensius Corippus, *In laudem Iustini Augusti minoris*, ed. Averil Cameron (1976). The commentary has much material that is of interest to anyone concerned with the Roman Principate and later Empire. I can only mention briefly here some other relevant texts, such as (1) the *Ekthesis* of Agapetus (*Expositio capitulae admonitionum*, in *MPC* LXXXVI.1164-85), for which see Patrick Henry, 'A mirror for Justinian: The *Ekthesis* of Agapetus Diaconus', in *GRBS* 8 (1967) 281-308; and briefly Deomik, *ECBPP* II (1966) 712-15; there are extracts in Eng. trans. by Ernest Barker, *Social and Political Thought in Byzantium from Justinian I to the Last Palaeologus* (1957) 54-63; and (2) the anonymous work, *Περὶ πολιτικῆς ἐκείσεως* (*De scientia politica*), ed. A. Mai, *Scriptorum veterum nova collectio* II (Rome, 1827) 590-609 (with a new fragment, ed. C. Behr, 'A new fragment of Cicero's *De re publica*', in *AJP* 95 [1974] 141-9); and see Barker, op. cit. 63-75 for a summary in English: this work may or may not be the same as (a) the lost treatise, *Περὶ πολιτικῆς* (or *Περὶ πολιτικῆς*), mentioned by Photius, *Bibl.* 37, in *MPC* CIII.69, and/or (b) the lost treatise, *Περὶ πολιτικῆς κακοκρατίας*, by Peter the Patrician, mentioned in the *Suda* Lexicon, s.v. *Περὶ πολιτικῆς κακοκρατίας* (ed. A. Adler, IV [1935]

- 117); see V. Valkenberg, 'Les idées politiques dans les fragments attribués à Pierre le Patrice', in *Byzantion* 2 (1925) 55-76 (who follows Mal in attributing the anonymous work to Peter, probably without justification); and briefly Dvornik, *ECBPP* II 706-11. I only wish I could have found some parallel to a work written just before the middle of the sixth century by John Philoponus. *De opificiis mundi* VI.16 (p.263, ed. W. Reichardt, Leipzig, 1897): this very brief passage is unique (as far as I can discover) in the literature that survives from the Christian writers of the Late Empire in rejecting the usual extravagant glorification of kingship and in treating it explicitly as human in origin and as something that is not *θεοκρατία* but only *θεκρατία*. The pagan historian Zosimus, writing at some time in the two decades following 498 (see esp. the Introd. to François Paschoud's Budé edition of Books I-IV, pp.XII-XX [esp. XVII], 132-3 n.13), certainly has an outright denunciation of the Principate from Augustus onwards – to him, of course, an absolute monarchy – as a form of government (I.v.2-4); he objects in particular to the immeasurable character of its authority (its *ἀσμενος ἐξουσία*, § 3 fin.). 'I challenge you to find so strong a condemnation of monarchy as a constitutional form in itself in any other ancient author,' says Lellia Cracco Ruggini, 'The Ecclesiastical Historians and the Pagan Historiography: Providence and Miracles', in *Athenaeion* n.s.55 (1977) 107-26, esp. 118-24, at 120. The best recent treatment that I have seen of Zos. I.v.2-4 is by Fr. Paschoud, 'La digression antimonarchique du préambule de l'*Histoire nouvelle*', in *Cinq études sur Zosime* (Paris, 1975) 1-23. The best general treatment of Zosimus is now that of Paschoud, 'Zosimus (8)', in *RE<sup>2</sup>* X.A (1972) 795-841, and in his Introd. to Vol. I of his Budé edition, cited above.
80. See Cameron, op. cit. (in n.79 above) 188.
81. In what follows, for convenience, I shall confine my references in the main to two powerful articles published (with very full bibliography) in 1978 and 1979, the outlook of which I find congenial: Averil Cameron, 'The Theotokos in sixth-century Constantinople', in *JTS* n.s.29 (1978) 79-108; and 'Images of authority: elites and icons in late sixth-century Byzantium', in *Past & Present* 84 (August 1979) 3-35.
82. The Virgin's role may remind us of Athena Promachos at Athens in the fifth century B.C.: see Cameron, art. cit. (1978) 103 n.4.
83. See Cameron, art. cit. (1978) 84, 96-103, 104; and (1979) 11, 18 (& nn.70-3), 19-24, 32-5. Of course 'the Byzantine emperor had always been seen in a religious context'; but it has been argued that the reign of Justin II represents 'something of a turning-point in imperial ideology', and that from now on at least it is often difficult to separate the 'imperial' from the 'religious' (ibid. [1979] 15 and n.54).
84. Cameron, art. cit. (1978) 81-2, cf. 99-105, 108; also (1979) 4-5, 22-8, 30-1.
85. See Averil Cameron, art. cit. in n.81 above (1979) 15, with its n.53.
86. Averil Cameron, art. cit. (1978) 96, with nn.2-3 (cf. 106-7), 108.
87. I quote from an analysis (as a whole, over-generous, as it seems to me) of the political thought of St. Augustine, by Norman H. Baynes, *The Political Ideas of St. Augustine's De Civitate Dei* (= Historical Assoc. Pamphlet no. 104, London, 1936) 9: 'In the original intention of God man was not created to exercise domination over man: this is the starting point for Augustine: but that original intention had been thwarted by man's sin: it is this changed condition with which God is faced, and to meet sin coercive government has a place as at once punitive and remedial. As a reaction against sin even the earthly State has a relative justification; it beareth not the sword in vain. Ultimately God's ways are beyond our understanding: He chooses such rulers for man as man deserves. Thus a tyrant, such as Nero, the traditional example of the worst type of ruler, is appointed by divine Providence. Because rulers are chosen by divine Providence, the servants of Christ are bidden to tolerate even the worst and most vicious of States, and that they can do by realising that on earth they are but pilgrims, and that their home is not here but in Heaven.' (This passage is repr. in Baynes, *BSOE* 295-6.) It is a pity we cannot ask Augustine to explain, given that divine Providence really chose Hitler as a ruler, whether there is any point, outside the sphere of religion, beyond which resistance to his more vicious orders (e.g. for the extermination of the Jews) could be justified.
88. The first scholar, as far as I know, to attach importance to the idea of *ῥήσος ἐμμενέος* as an element in Hellenistic theories of monarchy was E. R. Goodenough, 'The political philosophy of Hellenistic kingship', in *YCS* 1 (1928) 33-102, esp. 59-61. His view that the treatises on kingship by Diotogenes and a couple of other Pythagoreans were composed in the early Hellenistic period has been accepted by several other scholars, including e.g. Tarn; Francis Dvornik, *ECBPP*, *passim*, esp. I.243-52; and Holger Thiele, *An introduction to the Pythagorean*

- Writings of the Hellenistic Period* (Åbo, 1961) 50 ff., esp. 65-71. But I know of no certain evidence for the existence of these treatises earlier than the quotations from them by Stobaeus (probably early fifth century); for 'Diotogenes' on this subject, see Stob., *Anthol.* IV.vii.61 (ed. Hense, IV.263, 265). Apart from Diotogenes, and Philo and Justinian (quoted in the text above), the main references are Musonius Rufus, fr. 8 Hense (and Lutz; see II.vi above & its nn.28-9), ap. Stob., *Anthol.* IV.vii.67 (ed. Hense, IV.283); Plut., *Mor.* 780c; Themist., *Orat.* V (*Ad Iulianum*) 64b; XVI (*Charilaus*) 212d. Fritz Taeger, *Charisma I* (Stuttgart, 1957) 80 & n.114, 398-401; II. (1960) 622-5; and 'Zur Gesch. der spätkaiserzeitlichen Herrscherauffassung', in *Sacrisation* 7 (1956) 182-95, at 189 ff., would date Diotogenes and the others as late as the mid-third century; Louis Delatte, *Les Traité de la Royauté d'Épiphane, Diotogène et Sévérius* (Liège, 1942), makes quite a good case for the first or perhaps the second century. (For a convenient summary of Delatte's conclusions in English, see M. P. Charlesworth's review, in *CR* 63 [1949] 22-3.) For the view that the notion of *ῥήσος ἐμμενέος* became important in political thought, as *lex animata*, only in the Middle Ages, see Arthur Steinwenter, 'Nomos ἐμμενέος: Zur Gesch. einer polit. Theorie', in *Ant. Ak. Wien. Phil.-hist. Klasse*, 83 (1946) 250-68.
89. There is nothing comparable in the *Digest*. Contrast e.g. the statement of Marcian about praetorian law: 'Nam et ipsum ius honorarium viva vox est iuris civilis' (I.1.8).
90. See esp. Millar, *ERW* 394-5, ending with the admission, 'It is clear that some third party had informed him of the situation.' There are some omissions and errors in Millar's narrative, e.g. he does not notice the role – highly significant, surely – of the imperial official Philumenus (presumably *magister officiorum*) at the Council of Nicaea, revealed by a fragment (discovered only this century) of the Arian historian Philostorgius, *HE* I.9a; and he says that 'at Nicaea ... Eusebius of Nicomedia, Theognis of Nicaea and their followers, as well as Arius himself, were exiled by imperial command' (*ERW* 398), whereas it is sufficiently clear not only from Philostorgius (*HE* I.9, 9c, 10) but also from the letter of Constantine to the Nicomedians (in Gelas., *HE* III App. I.13 ff., esp. 16 = Theod., *HE* I.xx.5 ff., esp. 9), and from Theodoret (*HE* I.vii.15-16; viii.17-18), Sozomen (*HE* I.xxi.3, cf. 5; III.xix.2), and even Socrates (*HE* I.ix, esp. 4, against viii.33-4), that the exile of Eusebius and Theognis took place later – probably three months later, as stated by Philostorgius, *HE* I.10. The fact that Constantine did indeed exile these bishops some time after the Council of Nicaea, at which they had escaped condemnation by formally subscribing to the creed endorsed by the Council, is something that naturally disconcerts some 'orthodox' modern ecclesiastical historians: see e.g. I. Ortiz de Urbina, *Hist. des Conciles Œcuméniques* (ed. Gervais Dumege), *Nicée et Constantinople* (French trans., Paris, 1963) 118.
91. Cf. the apt remark of Gibbon, 'The name of Cyril of Alexandria is famous in controversial story, and the title of *saint* is a mark that his opinions and his party have finally prevailed' (*DFRE* V.107).
- 91a. Two admirable works by Klaus M. Gizardet, which I read only after this chapter was in proof, express quite a different view, which seems very close to my own: 'Kaiser Konstantius II. als "Episcopus Episcoporum" und das Herrscherbild des kirchlichen Widerstandes', in *Historia* 26 (1977) 95-128; and esp. *Kaisergericht und Bischofsgericht* (= *Antiquitas* I.21, Bonn, 1975).
92. Constantine says himself, in the letter to the Nicomedians mentioned in n.90 above, that at Nicaea he single-mindedly pursued the aim of securing *ἡμείων* for all (Gelas., *HE*, App. I.13 = Theod., *HE* I.xx.5). There is much other evidence to the same effect, e.g. the end of Constantine's letter to Aeladius, of 313-14, mentioned in n.76 above; the end of his letter to Domitius Celsus, of 315-16 (*Optat.*, Append. VII = *UED<sup>2</sup>* no.23); and of course many passages throughout the letter to Bishop Alexander and Arius (Euseb., *Vita Constant.* II.64-72) mentioned in the text above.
93. For those who are not already acquainted with the source material, the best account of Constantine's relations with the Christian churches is A. H. M. Jones's book on Constantine (for which see n.76 above). A fundamental work is Norman H. Baynes's Raleigh Lecture on History in 1930, *Constantine the Great and the Christian Church* (1931), which can now be read in a second edition, with a Preface by Henry Chadwick (1972).
94. See B. Altaner, *Patrology* (1960, Eng. trans. from the fifth German edition, of 1958) 418; *ODCC* 797, s.v. 'St. Leo I', corrected in the second edition (1970) to 'his [the Pope's] legates spoke first at the Council of Chalcedon' (p.811). Cf. G. Bardy, in *Histoire de l'Église*, ed. A. Fliche and V. Martin, IV (Paris, 1948) 228 ('On décida enfin que Paschasius de Libécé présiderait le concile, ainsi que l'avait demandé le pape'), with 229 n.1.

95. The Latin text can be found in CSEL XXXV.ii.715-16. There is an Eng. trans. in Coleman-Norton, RSCC III.987-8, no.561.
96. There is a good English translation of the works of Athanasius in NPNF, 2nd Series, IV (1892), ed. Archibald Robertson, where the letter of Osius will be found on pp.285-6.
97. The letter of Pope Gelasius I to the Emperor Anastasius I, of 494, is *Ep. XII* (see esp. § 2), ed. A. Thiel, *Epist. Romani Pontif. Gelasii*, L1 (1867) 349-58; it is also ed. H. Schwartz, *Publizistische Sammlungen zum Antichristlichen Schisma = Abhandl. der Bayer. Akad. der Wiss., Philos.-hist. Abt.*, n.F. 10 (Munich, 1934), where *Ep. XII* is no.8, pp.19-24, at 20. For the view that the letter of Gelasius is not such a new departure as many modern scholars have believed, see F. Dvornik, 'Pope Gelasius and Emperor Anastasius I', in *Byz. Zechr.* 44 (1951) 111-16. Cf. also Gaudemet, *EER* 498-506.
98. Those who are disinclined to spend much time on Lucifer will find a useful summary of his attacks on Constantius II in Setton, op. cit. (in n.74 above) 92-7.
99. See T. D. Barnes, 'Who were the nobility of the Roman Empire?', in *Phoenix* 28 (1974) 444-9. The theory of Gelzer (which prevailed for so long), that in the Principate it was only descendants of Republican consuls who were called *nobiles*, was finally refuted by H. Hill, 'Nobilitas in the Imperial period', in *Historia* 18 (1969) 230-50.
100. Thus Dio Cass. LIV.26.3; Suet., *Aug.* 41.1 gives HS 1,200,000.
101. Among the known examples are Tac., *Ann.* II.37-38 (esp. 37.2, where Augustus gives HS 1 million to M. Hortensius Hortalus; and 38.8, where Tiberius gives HS 200,000 to each of the man's four sons); I.75.5-7 (Tiberius gives HS 1 million to Propertius Celer); XIII.34.2-3 (Nero gives a pension of HS 500,000 per year to M. Valerius Messalla Corvinus, *quibus paupertatem innoxiam sustentaret*, and similarly gives pensions, the amounts of which are not stated, to Aurelius Cotta and Haterius Antonemus, *quoniam per luxum avitas opes dissipassent*); cf. XV.53.2. See also Vell. Pat. II.129.3; Suet., *Nero* 10.1; *Vesp.* 17; Dio Cass. LVII.10.3-4; *Hist. Aug., Hadr.* 7.9. Even Caracalla is said to have given Junius Paulinus HS 1 million: Dio Cass. LXXVII.11.1<sup>2</sup> (ed. Boissvain III.384-5).
102. See the texts cited in VI.iii n.2 above. For the Principate, see *ILS* 1317, where a three-year-old deceased is described by his father in his funerary inscription as 'equit(i) R(omano)'; and *ILS* 1318, where a man setting up a funerary inscription to his son describes himself as 'natus eques Romanus'.
103. See on the whole subject Jones, *LRE* II.525-30. The statement by Hopkins (SAC, ed. Finley, 105) that 'under Constantine . . . the equestrian and senatorial orders were fused', in a 'new expanded order (*clarissimi*)' should have read 'began to be fused'. Certain posts held in the late third century by equestrians were now made, it is true, to carry senatorial rank (with the title of *clarissimus*), but the principal equestrian grade, that of *perfectissimus*, continued to be quite common until at least the last decade or two of the fourth century (when it was divided into three grades: *CJ* XII.xxiii.7, of 384). For the details, see Jones, *LRE* II.525-8, with the notes, esp. III.150 n.9 and 151 n.12.
104. For this date, see Alan Cameron, 'Rutilius Namatianus, St. Augustine, and the date of the *De reditu*', in *JRS* 57 (1967) 31-9.

## [VII.i]

1. See my ECAPS 16 n.46, refuting the view of Buckland and others that the slaves in such cases were merely tortured and not executed. It could even be said that slaves ought to be punished if their master committed suicide in their presence and they failed to stop him when they could have done so (*Dig.* XXIX.v.1.22, Ulpian; cf. *Sent. Pauli* III.v.4, speaking only of the torture of such slaves). I may add that when Afranius Dexter, a suffect consul of A.D. 105, died in mysterious circumstances, Pliny describes the debate in the Senate as to what should be done with the freedmen of the dead man (*Ep.* VIII.xiv.12-25). My reading of the letter is that the freedmen were relegated to an island (see § 21 *init.*, 24, 25-6); and I would infer that the slaves were executed.
2. See e.g. Diod. Sic. XXXIV/V.ii.22; XXXVI.ii.6; iii.6; x.2-3. Cf. Symm., *Ep.* II.46, for the mass suicide of 29 Saxon prisoners promised to Symmachus by the emperor as gladiators in 393 (see Jones, *LRE* II.560-1).
3. See Louis Robert, *Les gladiateurs dans l'Orient grec* (Paris, 1940, repr. Amsterdam, 1971), with a few corrections in *REG* 53 (1940) 202-3, and considerable supplements in a series of articles

- entitled 'Monuments de gladiateurs dans l'Orient grec', in *Hellenica* 3 (1946) 112-50; 5 (1948) 77-99; 7 (1949) 126-51; 8 (1950) 39-72; and cf. the 1971 reprint of the book, pp.1-2 of the Preface. See also Georges Ville, 'Les jeux de gladiateurs dans l'empire chrétien', in *MEFR* 72 (1960) 273-335. There is some further bibliography in J. P. V. D. Balsdon's article, 'Gladiators', in *OCD*<sup>2</sup> 467; add his *Life and Leisure in Ancient Rome* (1969) 248-52, 267-70, 288-302, part of a useful chapter on the games etc. A particularly interesting literary passage, relating to Athens, is Dio Chrys. XXXI.121-2. I should perhaps have mentioned that the Seleucid King Antiochus IV Epiphanes exhibited gladiatorial games in the Greek East as early as 175 B.C. (Livy XII.20.11-13); but this was an isolated occasion (see Robert's book cited above, pp.263-4).
4. My quotations are from p.263 of Robert's book mentioned in the preceding note, and from Mommsen's *Römische Geschichte* P.337 (near the end of Book II Ch.iv). For a relief from Halicarnassus showing two women gladiators, fighting with swords and shields, see Robert's book, pp.188-9, no.184; there is a reproduction of the relief in A. H. Smith, *A Catalogue of Sculpture in the Department of Greek and Roman Antiquities, British Museum* II (1900) 143, no.1117, where the names of the gladiators are given: Amazon and Achillia. References to female gladiators are given by Smith and by Robert, loc. cit.
5. Aristoxenus fr. 35, in F. Wehrli, *Aristoxenus von Tarentum*<sup>2</sup> (Stuttgart, 1967) 18 = fr. 18 in *FGH* II.278, ap. Stob., *Ecl.* IV.1.49. Cf. Xen., *Mem.* I.ii.10; *Cyrop.* III.i.28; VIII.ii.4; Plato, *Phileb.* 58ab.
6. See A. Spawforth, 'The slave Philodespotos', in *ZPE* 27 (1977) 294, based on *IG* V.i.147.16-18; 153.31-2; and 40.6-7 (cf. *SEG* XI.482). The eunuch in Diod. XVII.66.5 describes himself to Alexander as *φύρεα φιλοδеспотος*. *Philodespotos* is also the title of several Attic comedies: see LSJ<sup>2</sup>, s.v., for this and other examples of the word.
7. Genovese, *RB* 33, an interesting essay (repr. from *Jnl of Social Hist.* 1.4, 1968) entitled 'Materialism and idealism in the history of Negro slavery in the Americas', which would be particularly instructive to anyone inclined to believe that a Marxist approach to history involves 'economic determinism'.
8. See e.g. Arist., *Pol.* V.1, 1301<sup>a</sup>31-3; 12, 1316<sup>b</sup>1-3; and esp. VI.3, 1318<sup>a</sup>18-20 (cited in II.iv above).
9. For the *Republic* this is so well known as hardly to need illustration, but see e.g. *Rep.* II.369bc-71c on the composition of the citizen body, and III.412b-15d on who are to rule (and nothing else). In the *Laws*, the citizens have their own farms (worked by slaves, VII.806d) but are forbidden to engage in arts or crafts or any other occupation: see esp. V.741e, 742a; VII.806d; VIII.842d, 846d-7a; XI.919d. From the involved arguments in the *Politics* it is difficult to pick out particular passages, but see *inter alia* 259cd, 267abc, 267de-8d, 292b-3c, 294abc, 298b-302a, 302e-3c, and esp. 289e-90a, 308e-9a. The ludicrous unreality of much of this dialogue comes out best, perhaps, in the notion of the true βασιλεὺς καὶ πολιτικός who rules with the voluntary assent of all his subjects (276de).
10. F. D. Harvey, 'Two kinds of equality', in *Class. et Med.* 26 (1965) 101-46, with the corrections and addenda in id. 27 (1966) 99-100. All the important source material is cited in full.
11. Elaine Fantham, 'Aequabilitas in Cicero's political theory, and the Greek tradition of proportional justice', in *CQ* 67 = n.s.23 (1973) 285-90, at p.288. (This article was evidently written without knowledge of Harvey's, cited in n.10 above.) And see C. Nicolet, 'Cicéron, Platon, et le vote secret', in *Historia* 19 (1970) 39-66, cited by Fantham.
12. Cf. Plato, *Polit.* 291c-2a: under democracy, τὸ πλῆθος rules over the owners of property either βιαιῶς ἢ ἐκούριως.

## [VII.ii]

1. See esp. Plato, *Rep.* V. 469bc, 470bcd (note *πολεμίους φύσει*); cf. *Laws* VI.777cd (where the advice to have slaves of different nationalities and speaking different languages implies that most if not all will be barbarians); *Meno* 82ab (where the slave who 'is Greek and speaks Greek' is born in the house, *οἰκογενής*). In *Polit.* 262cde Plato is making the purely theoretical point that it is not profitable to separate off one very small category of humans as 'Hellenes' and lump together as 'barbarians' all the rest, who differ greatly from each other; and Schlaifer (GTSHA 170 = Finley [ed.], SCA 98) goes much too far in saying that Plato here 'reversed the position he had earlier taken in the *Republic* and adopted Antiphon's theory' (denying any difference in *φύσις* between Greeks and barbarians).

2. Plato, *Polit.* 309a; cf. *Laws* VI.776c-8a, and other passages. And see Morrow, *PLS* 35 etc.
3. Vlastos, SPT, repr. in Finley (ed.), *SCA* 133-48, cf. 148-9.
4. As Vlastos puts it (SPT 289 = *SCA* 133), 'A formal discussion of slavery is nowhere to be found in Plato. We must reconstruct his views from a few casual statements.' Particularly interesting is the way in which, after emphasising in *Laws* VI.776b-7c that slavery is a very tricky problem, Plato shies away from the subject after making a few rather obvious remarks (777c-8a). And see Vlastos, 'Does slavery exist in Plato's *Republic*?' in *CP* 63 (1968) 291-5, who decides that 'the case for the affirmative must be reckoned conclusive'.
5. See esp. Arist., *Pol.* I.2, 1252<sup>a</sup>30-4, 1252<sup>b</sup>5-9; 4, 1254<sup>a</sup>14-15; 5, 1254<sup>a</sup>17-5<sup>a</sup>3; VII.14, 1333<sup>b</sup>38-4<sup>a</sup>2, etc. Schlaifer, *GTSHA* 196 (= *SCA* 124), tries to give Aristotle's view, purged of its inconsistencies. But see below and n.10.
6. Arist., *Pol.* I.4, 1254<sup>a</sup>14-15; 5, 1254<sup>a</sup>17-20, 1254<sup>b</sup>16-5<sup>a</sup>3 (esp. 1254<sup>b</sup>19-21, 1255<sup>a</sup>1-3); 6, 1255<sup>b</sup>6-9, 12-14; III.6, 1278<sup>b</sup>33-4; cf. VII.14, 1333<sup>b</sup>38-4<sup>a</sup>2.
7. Arist., *Pol.* I.6, 1255<sup>a</sup>5-11, 1255<sup>a</sup>5 (accepting Susenbühl's insertion of *ἀεὶ*).
8. Arist., *Pol.* I.5, 1254<sup>a</sup>19-20; 1255<sup>a</sup>3; 6, 1255<sup>b</sup>6-7.
9. Arist., *Pol.* I.2, 1252<sup>b</sup>7-9 (citing Eurip., *Iph. Aut.* 1400); 6, 1255<sup>a</sup>29-35. (Surely the same view lies behind Plato, *Rep.* V.469bc.)
10. Arist., *Gen. An.* I.19, 727b29-30. See my AHP, where I have discussed at length Aristotle's use of the concept of *τὸ ἀεὶ ἐν τῷ πολλῷ* (an important subject, badly neglected by philosophers) and have given many examples of its use, including the one just mentioned.
11. Arist., *Pol.* VII.10, 1330<sup>a</sup>25-31; cf. 9, 1329<sup>a</sup>24-6, where no preference is expressed between the two alternatives.
12. George Fitzhugh, *Sociology for the South, or the Failure of Free Society* (Richmond, Va., 1854) 179. On Fitzhugh, see Harvey Wish, *George Fitzhugh, Propagandist of the Old South* (Baton Rouge, La., 1943). Fitzhugh lived from 1806 to 1881.
13. 'I am sure there was no man born marked of God above another; for none comes into the world with a saddle on his back, neither any booted and spurred to ride him' (Richard Rumbold). See *The Good Old Cause. The English Revolution of 1640-1660, Its Causes, Course and Consequences*<sup>2</sup>, Extracts from contemporary sources, ed. Christopher Hill and Edmund Dell, 2nd edn, revised (London, 1969), 474.
14. Arist., *Pol.* VII.10, 1330<sup>a</sup>32-3; otherwise there is only Ps.-Arist., *Oecon.* I.5, 1344<sup>b</sup>14-17. Cf. Xen., *Oecon.* V.16.
15. E.g. Arist., *Pol.* I.13, 1260<sup>a</sup>36-b<sup>6</sup>.
16. Arist., *Pol.* I.6, 1255<sup>a</sup>25-6, and other passages.
17. See my *OPW* 45. For statements in the more negative form, that slavery is 'not according to nature' (*ὅβ κατὰ φύσιν*), see e.g. Chrysippus, *Fragm. moral.* 351-2, in H. von Arnim, *Stoic. Vet. Fragm.* III.86; the slave is a *perpetuus mercennarius* (fr. 351, from Seneca, *De benef.* 3.22.1), and no one is a slave *ἐκ φύσεως*, but masters should treat those they have bought not as slaves but as *μισθωτοί* (fr. 352, from Philo). Probably the Middle as well as the Old Stoa rejected the 'natural slavery' theory: see Griffin, *Seneca* 257, 459-60.
18. This subject is not directly relevant for my purposes, and it will be sufficient to refer to Guthrie, *HGP* III.153.
19. There is a good recent text, with French translation, of the *Contra Symmachum* in Vol. III of the Budé edition of Prudentius, ed. M. Lavarenne (3rd edn., 1963): see its p.186 and the introduction, 85 ff., esp. 104. No one should feel surprise at the persistence of such an attitude, in spite of Coloss. III.11 and Gal. III.28: see Section iii of this chapter.
20. See Hanke, *AAI* 14. Hanke is my main source for what follows.

## [VII.iii]

1. The distinction between *φύσις* and *τύχη* in this connection is drawn e.g. by Dion. Hal., *Ant. Rom.* IV.23.1; cf. Dio Chrys. XV.11. Latin writers make the same distinction, between *natura* and *fortuna*.
2. *Conc. Illib.*, Can. 5, in Hefele-Leclercq, *HCI* i.224-5. This Canon was incorporated in Gratian's *Decretum*, as Dist. L, Can. 43: see *Corp. Iuris Canon.* P.195, ed. E. Friedberg (Leipzig, 1879).
3. It will be sufficient to mention one Gallic episcopal synod, that of Narbo in 589. Canon 15, dealing with those who refuse to work on a Thursday (for pagans, sacred to Jupiter), sentences

- the *ingenuus aut ingenuus* to one year's excommunication, the *servus aut ancilla* to a whipping (*flagellis correcti*); and Canon 6 punishes anyone who works on a Sunday with a fine of 6 solidi if free or 100 lashes (*centum flagella*) if a slave: see J. D. Mansi, *Sacr. Conc. nova et ampl. coll.* IX (1763) 1015-18.
4. Among other passages in Augustine relating to slavery are *De civ. Dei* IV.3 (cited in the first paragraph of the main text of this section); *Quaest. in Hept.* II.77 (cited at the end of the second paragraph of the main text of this section) and esp. I.153 (both in *CSEL* XXVIII.iii.3.142 and 80, and *CCL* XXXIII.107 and 59); *Enchiridion*, in *Psalm.* XCIX.7 (in *CCL* XXXIX.1397: Christian slaves should not seek manumission) and *CXXIV*.7 (in *CCL* XL.1840-1); *Epist.* CLIII.(vi).26 (in *CSEL* XLIV.426-7; *Tract. in Ep. Ioann. ad Parthos* VIII.14 (in *MPL* XXXV.2044); *De serm. Dom. in monte* I.(xix).59 (in *MPL* XXXIV.1360); *De mor. eccl. cathol.* 30.63 (in *MPL* XXXII.1336). I have merely noted a few passages I happen to have come across; no doubt there are many others.
5. See Stamp, *PI* 198, 340-9. Some may object that the Old South was Protestant and that in slave societies which were Roman Catholic things were different. There is some truth in this (see the convenient summary in S. M. Elkins, *Slavery*<sup>2</sup> 52 ff., esp. 63-80); but the contrast between North American and Latin American slavery in this respect must not be exaggerated: see Davis, *PSWC* 98-106, 223-61; and three essays in Genovese, *RB* 23-52, 73-101, and 158-72. It is also worth mentioning here a curious and little-known work, *Slavery and the Catholic Church* (sub-titled *The history of Catholic teaching concerning the moral legitimacy of the institution of slavery*), by a Roman Catholic priest, J. F. Maxwell (published by Barry Rose Publishers, Chichester/London, in association with the Anti-Slavery Society for the Protection of Human Rights, 1975, complete with 'Imprimatur'), which considers 'the common Catholic teaching on slavery', right down to the time when it 'was officially corrected by the Second Vatican Council in 1965', to have been a 'disaster' (10-12), and ends by regretfully pointing out 'how very slender and scarce is the Catholic anti-slavery documentation since 1888 as compared with the very large volume of Catholic pro-slavery documentation right up to the time of the Second Vatican Council' (125). There is a nice appreciation of the fact that 'The few members of the Society of Friends (Quakers) in the early eighteenth century who appear to have been open to the direction of the Holy Spirit concerning slavery exercised an enormous influence, first on their fellow Quakers, and then on all North American Protestants', while 'On the other hand, the graces received by most of the eighteenth- and nineteenth-century Catholic laity from the traditional Latin prayer and liturgy were apparently insufficient to awaken their consciences [etc.]' (20). One wonders how the author accounts for the fact that the Holy Spirit preferred to vouchsafe its direction so much more generously to those his Church regards as heretics, as preference to Catholics. 'God moves in a mysterious way his wonders to perform', perhaps?
6. Suet., *Claud.* 25.2; *CJ* VII.vi.1.3; *Dig.* XI.viii.2. Other imperial legislation in favour of slaves is given by Buckland, *RLS* 36-8; Griffin, *Seneca* 268-74.
7. See *Inst.* I.viii.2; *Dig.* I.vi.1.2, and vi.2; *Mos. et Rom. leg. coll.* III.iii.1-2, cf. 5-6. Cf. *Diod.* XXXIV/XXXV.2.33; also the passages from Seneca cited by Griffin, *Seneca* 263, and those from Poseidonius and Seneca in *ibid.* 264-5. [Cf. p.383 above, first paragraph.]
8. For this and what follows, see Jones, *LRE* II.920-2 (with III.315 nn.126-30), mentioning a minor modification by Justinian. See also Gaudemet, *EER* 136-40.
9. *Dig.* I.xvii.32 is an extraordinary text if taken too literally. Slaves are considered *pro nullis* for the purposes of the *ius civile*, 'but not also by *ius naturale*, because, in so far as pertains to *ius naturale*, all men are equal' (*omnes homines aequales sunt*).
10. Among many publications of this text, see *Documents of American History*<sup>5</sup>, ed. H. S. Commager (New York, 1949) 37-8, no.26. And see Davis, *PSWC* 308-9.
11. See e.g. the letter of the Jesuit missionary, Francisco de Gouveia, to the king of Portugal in 1563, quoted by Boxer, *PSE* 102-3: he asserted 'that experience had shown that these Bantu were barbarous savages, who could not be converted by the methods of peaceful persuasion . . . Christianity in Angola . . . must be imposed by force of arms.' And Boxer continues, 'This was, and for long remained, the general view among Portuguese missionaries and laymen alike.' And this attitude was by no means peculiar to the Portuguese: 'The vast majority of Europeans, if they thought about the matter at all, saw nothing incongruous in simultaneously baptising and enslaving negroes, the former procedure often being advanced as an excuse for the latter' (Boxer, *PSE* 265).

12. See Davis, *PSWC* 63-4, 97-8, 217, 316-7, 451-3 (Ham and Canaan); 171, 236, 326, 459 (Cain); also Boxer, *PSE* 265.

## [VII.iv]

1. Cf. Cic., *De rep.* III.22/33, 6th edn, by K. Ziegler (Leipzig, 1964), pp.96-7.
- 1a. For the very different early Christian position at its best, see the advice to the rich widow Olympias by John Chrysostom, *ap. Soz.*, *HE* VIII.ix.1-3 (esp. 3).
2. For the history of Palestine in the late Hellenistic and early Roman period, see the new English version, by Geza Vermes and Fergus Millar, *The History of the Jewish People in the Age of Jesus Christ (175 B.C. - A.D. 135)*, of Emil Schürer's *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi* (3rd/4th edn, 1901-9), of which Vol. I (Edinburgh, 1973) has already appeared. The events of 63 B.C. to A.D. 44 are dealt with on pp.237-454. [Vol. II appeared in late 1979.]
3. The latest treatment I have seen of this question is by J. A. Emerton, 'The problem of vernacular Hebrew in the first century A.D. and the language of Jesus', in *JTS* n.s.24 (1973) 1-23 (with bibliography, 21-3).
4. To the bibliography in ECAPS 4 n.8 add Shimon Applebaum, 'Hellenistic Cities of Judaea and its vicinity - some new aspects', in *The Ancient Historian and his Materials* (Essays in Honour of C. E. Stevens), ed. Barbara Levick (1975), 59-73. [See now Schürer (n.2 above) E.T. II, 1979.]
5. See my ECAPS 4 n.10, and add the best modern treatment of the subject: V. A. Tcherikover, 'Was Jerusalem a "Polis"?', in *IEJ* 14 (1964) 61-78.
6. Many attempts have been made to prove that Jesus himself was in fact a leader of an anti-Roman political movement, but they all rest almost entirely on guesswork. The Gospels, virtually our only sources for the life of Jesus, are most unsatisfactory as historical documents (which of course they were not intended to be); but if we suppose Jesus to have been a political activist, a 'Zealot', then we must convict them of such wholesale and deliberate falsification that their evidence becomes almost entirely worthless: see my review, in *Eng. Hist. Rev.* 86 (1971) 149-50, of S. G. F. Brandon, *The Trial of Jesus of Nazareth* (1968), one of the most scholarly of the recent works which take the line I am criticising. On the other hand, the results of N.T. scholarship are such that the positive value of the Gospels as historical sources for the life of Jesus (apart from his teaching) can only be seen as very restricted. The attempt of Sherwin-White, *RSRLNT* 192 n.2 (on p.193), to adduce the *Acta Martyrum* as a useful parallel to the Gospels and as a reason for taking them seriously as historical sources founders on the fact that all the best scholars who have dealt with the martyr-acts have begun by rigorously excluding from them, as a mark of hagiographical inauthenticity, all miraculous elements - a procedure which, if applied to the Gospels, would reduce them to something very different from what Sherwin-White wants to make of them.
7. See Schürer (Vermes/Millar), *op. cit.* (in n.2 above) I.358 and n.22.
- 7a. Only twice in the Gospels are 'Greeks' mentioned in connection with Jesus - as if contacts with them were something out of the ordinary. In Mk VII.26 a 'Syrophenician woman', described as a Ἑλληνίς, approaches Jesus when he is within 'the borders [ὅρια] of Tyre [and Sidon]'; and in Jn XII.20 an approach is made to him - with what success is not clear - through Philip the apostle by Ἕλληνες τινες, who are in fact Hellenised Jews coming to celebrate the Passover at Jerusalem.
8. Particularly interesting is the article by C. H. Roberts, 'The Kingdom of Heaven (Lk. XVII.21)', in *HTR* 41 (1948) 1-8, showing that the much-disputed expression ἐν τῷ βασιλείῳ in Lk. XVII.21 is most likely to mean that the kingdom is 'within your power' ('It is a present reality if you wish it to be so', p.8) rather than 'within you' or 'among you'.
9. For a different approach from mine, see Joseph Vogt, *ASIM* (in Eng. trans.), ch.viii (pp.146-69): 'Ecce Ancilla Domini: the social aspects of the portrayal of the Virgin Mary in antiquity'. (For the German original, see ECAPS 14 n.39.)
10. See B. Lifschitz, 'The Greek documents from Nahal Seelim and Nahal Mishmar', in *IEJ* 11 (1961) 53-62, at p.55, Papyrus no.1, line 7: ταπεινὸς ἀδελφός.
11. See, for a brief bibliography, ECAPS 24 n.78. The most comprehensive work is Paul Christophe, *L'usage chrétien du droit de propriété dans l'écriture et la tradition patristique* = *Collection Théologie, Pastorale et Spiritualité*, no.14 (Paris, 1964).
12. See esp. ECAPS 30 n.104, on Ambr., *De offic. minist.* I.130-2 (with Cic., *De offic.* I.20-2).
13. For a brief bibliography on allegory, see ECAPS 35 n.128. I will add here a quotation from the

article by Henry Chadwick, 'Origen, Celsus, and the Stoa', in *JTS* 48 (1947) 34-49, at p.43: 'The allegorical method of interpretation was . . . an inheritance from the Alexandrian tradition. In passing, it is instructive to notice how Origen, an allegorist *par excellence*, will not allow the validity of the method when applied to Homer (*C. Cels.* 3.23); and Celsus and Porphyry deny the right of Christians to allegorise the Old Testament, although they use the method freely themselves to interpret Homer.'

14. See August., *Ep.* 93.5; 173.10; 185.24; 208.7; *C. Gaudent.* I.28. I have dealt with this question in the paper on persecution by the Christian churches mentioned near the end of Section v of this chapter.
15. See Duncan-Jones, *EREQS* 17-32 (esp. 18 n.4, 32 n.6); and App. 7 on p.343, where Pliny is no.21.
16. The hymn is 'All things bright and beautiful', by Mrs Cecil Frances Alexander (1818-95), *née* Humphreys, who in 1850 married William Alexander, bishop of Derry (afterwards of Armagh).
17. For John Ball, see Froissart's *Chronicles* 73-4 (ECAPS 37 n.132). For Torres, see *Revolutionary Priest. The Complete Writings and Messages of Camilo Torres*, ed. John Gerassi (1971, paperback in Pelican Latin American Library, 1973).

## [VII.v]

1. Woodhouse, *Pl.* 1-124, gives a modern text of the Debates (followed by the Whitehall Debates and much other material), from the Clarke MSS. Vol. 67 (at Worcester College, Oxford), first printed in an edition by C. H. Firth, *The Clarke Papers*, Vol. I (1891), published by the Camden Society, Westminster (Vol. 135 [154] = n.s.49). I have already referred to the Levellers in III.vi above and its nn.48-9.
2. Cf. Woodhouse, *Pl.* 26-7, 50, 52-5, 57-8, 60, 62-3, 69, for further opinions by Ireton on the all-important subject of property.
3. See K. W. Welwei, *Unfreie im antiken Kriegsdienst, I. Athen und Sparta (= Forsch. zur ant. Sklaverei* 5, Wiesbaden, 1974). I have not been able to use here Vol. II of this work (1977).
4. On the Book of Daniel, it will be sufficient to refer to Otto Eissfeldt, *The Old Testament, An Introduction* (Eng. trans., 1965, from the third German edn, 1964) 512-29, esp. 520-2. No honest and reputable scholar now denies that at least the bulk of Daniel dates from the persecution of Yahwism in Judaea by Antiochus IV Epiphanes which began at the end of 167 B.C. The persecution has been admirably elucidated in the past few decades, esp. by the work of E. J. Bickerman and V. Tcherikover; see Will, *HPMH* II.275-89, with the essential bibliography; also pp.35-44 of Pierre Vidal-Naquet's useful Introduction (of more than 100 pages) to Pierre Savinel's French translation, *Flavius Josèphe, La guerre des Juifs* (Paris, 1977). It is an interesting and well-known fact that the correct dating of Daniel was established in Book XII of Porphyry's major work, *Against the Christians*, written in Greek at the end of the third century or the beginning of the fourth (see the able article by T. D. Barnes, 'Porphyry *Against the Christians* date and the attribution of fragments', in *JTS* n.s.24 [1973] 424-42, with very full bibliography). For Jerome's uncomfortable reaction to Porphyry, in his *Commentary on Daniel*, published in 407, see J. N. D. Kelly, *Jerome, His Life, Writings, and Controversies* (1975) 298-302. There is one point I must add here, which applies also to much of the literature I shall be mentioning in the remainder of the paragraph in the text above from which this note comes. As scholars have often emphasised, the Book of Daniel, for all its immediate appeal to simple folk, was itself very much the product of the most characteristic type of Jewish learning: saturation with the texts of the earlier Jewish Scriptures. Daniel himself is represented as a man of wisdom and learning, and so are some of the other authors or heroes of Jewish pseudepigraphic literature. Daniel & Co., then, are anything but humble peasants, but that would not prevent them from being an inspiration to such people.
5. See esp. P. A. Brunt, 'Josephus on social conflicts in Roman Judaea' in *Klio* 59 (1977) 149-53. Cf. Shimon Applebaum, 'The Zealots: the case for revaluation', in *JRS* 61 (1971) 155-70; Heinz Kreissig, *Die sozialen Zusammenhänge des jüdischen Krieges. Klassen u. Klassenkampf in Palästina des 1. Jahrh. v.u.Z. = Schriften zur Gesch. u. Kultur der Antike*, no.1 (Berlin, 1970); with Vidal-Naquet, *op. cit.* (in n.4 above) 65-73 and 86 ff. (esp. 95-109), who gives a good up-to-date selective bibliography. I have felt obliged to pay virtually no attention in this book, either to external wars or to internal rebellions within the empire, that took place before about the middle of the second century of the Christian era (see VIII.iii-iv; cf. the last paragraph of VIII.ii and its n.24). I have therefore had to ignore not only the Jewish revolt of 66-70 (or rather,

- 66-73/4), but also the other two major Jewish rebellions: in Egypt, Cyrenaica and Cyprus, and even to a small degree in Palestine, at the end of Trajan's reign (115-17); and the great uprising in Palestine under Hadrian (132-5). I can do no more than refer to Vol. 1.529-57 of the revised English version of Schürer's great work, cited in VII.iv n.2 above, which has ample bibliography.
6. There is an edition of all the relevant papyri-known some 25 years ago, with Eng. trans. and commentary, by H. A. Musurillo, *The Acts of the Pagan Martyrs. Acta Alexandrinorum* (1954). See also C. P. Jud. II. 154-9 for those *Acta* with a direct bearing on Jews.
7. For these works, see esp. S. K. Eddy, *The King is Dead. Studies in the Near Eastern Resistance to Hellenism 334-31 B.C.* (Lincoln, Nebraska, 1961), Index, s.v.v.; also J. J. Collins, 'Jewish apocalyptic against its Hellenistic Near Eastern environment', in *HASOR* 220 (Dec. 1975) 27-36; Harald Fuchs, *Der geistige Widerstand gegen Rom in der antiken Welt* (Berlin, 1938, repr. 1964); and MacMullen, *ERO*. MacMullen denies the existence of anything he is prepared to call 'class struggle' (199-200 etc.), because he uses the expression in the narrowest possible sense, limiting it to occasions when there is conscious class feeling as such; and cf. the review by Oswyn Murray in *JRS* 59 (1969) 261-5. For the 'Sibylline Oracles', see esp. Fuchs, op. cit. 7-8, with 30-6; and Fraser, *PA* I.708-13 (on *Orac. Sibyll.* III); II.989-1000 nn.217-49 (of which n.217 gives a full bibliography on the *Oracles*), with the Addendum on p.1116; see also n.8 below. For the 'Oracle of the Potter', see L. Koenen, 'The prophecies of a potter: a prophecy of world renewal becomes an apocalypse', in *Proc. XII [Michigan] Internat. Congr. of Papyrology = Amer. Stud. in Papyrol.* 7 (Toronto, 1970) 249-54; for the most recent edition of the Oracle, see Koenen, 'Die Prophezeiungen des "Töpfers"', in *ZPE* 2 (1968) 178 ff.; the text is on pp. 195-209. And see Fraser, *PA* I.683-4. For the 'Demotic Chronicle', see Fraser, *PA* I.682; II.951-2 nn.31-4; C. C. McCown, 'Hebrew and Egyptian apocalyptic literature', in *HTR* 18 (1925) 357-411, at pp.387-92 (with some translation, pp.388-9). For the 'Oracle of Hystaspes', see H. Windisch, *Die Orakel des Hystaspes* (Amsterdam, 1929); MacMullen, *ERO* 147-8, with 329-30 n.19. Lactantius calls Hystaspes 'a most ancient king of the Medes' and thinks his name was the origin of that of the River Hydaspes! (*Div. Inst.* VII.xv.19; cf. xviii.2; *Epit. Div. Inst.* 68 [73]). For the 'Bahman Yashst', see Eddy, op. cit., esp. 15-32, and the translation in the Appendix, pp.343-9.
8. There is a good, scholarly English translation of *Orac. Sibyll.* III-V by H. N. Bate, *The Sibylline Oracles Books III-V* (S.P.C.K., 1918), and another by H. C. O. Lauchester, in *Apocrypha and Pseudepigrapha of the O.T.*, ed. R. H. Charles, II (1913) 368(377)-406. The three most recent editions of the *Sibylline Oracles* that I have seen (all worth consulting) are by A. Kurfess, *Sibyllinische Weissagungen* (1951, with German trans.), J. Geffcken, *Oracula Sibyllina* (= *GCS* 8, 1902); and A. Rzach, *Oracula Sibyllina* (Vienna etc., 1891). And see J. Schwartz, 'L'historiographie impériale des *Oracula Sibyllina*', in *Dialogues d'hist. anc.* 1976 (= Centre de recherches d'hist. anc. 21 = *Annales littéraires de l'Univ. de Besançon* 188, Paris, 1976) 413-20. On the three 'false Neros', see MacMullen, *ERO* 143-6, with 328-9 nn.15-17; Levick, *RCSAM* 166-8; R. Syme, *Tacitus* (1958) II.518. The latest piece I have seen on the 'false Neros' is P. A. Gallivan, 'The false Neros: a re-examination', in *Historia* 22 (1973) 364-5. Among the Christians who wrote of 'Nero redivivus' is Commodian, a Latin author whom I have no occasion to mention elsewhere: in my opinion he was probably an African of the 260s or a little later (his dates have been much disputed). For his chiliastic fantasies, see his *Carm. Apol.* 791-1060, esp. (for Nero) 823-936, and (for disasters to Rome) 809-22, 891-926 (ed. B. Dombart, in *CSEL* XV, 1887; there is a less good Teubner text by F. Ludwig, 1877). Commodian's attitude to Rome can be ferociously hostile, not only in the *Carmen Apologeticum* but also in the *Instructions*: see e.g. *Instruct.* I.xli (esp. 12: 'Tunc Babylon meretrix «erit» incincta favilla'). Lactantius may well have had Commodian in mind among others when in *De Mort. Pers.* 2.8 he rejected the notion of Nero returning as precursor of Antichrist: see the edition by Jacques Moreau, *Lactance. De la mort des persécuteurs* (= *SC* 39, Paris, 1954) II.201-4. See also Frend, *MPEC* 561, 567-8 nn.146-9 (with references to J. P. Brisson, *Autonomisme et Christianisme dans l'Afrique romaine*, Paris, 1958). A good general account of Commodian's works can be found in P. Monceaux, *Hist. litt. de l'Afrique chrét.* III (1905) 451-89.
9. Caes., *BG* VII.77, esp. §§ 9, 15-16 (Critognatus the Gaul, 52 B.C.); Tac., *Ann.* 1.59.2-7 (the German Arminius, A.D. 15); II.9.3 to 10.3 (dialogue, Arminius and Flavius, A.D. 16), and 15.2-4 (Arminius); XII.34.2-3, 37.1-4 (Caratacus the Briton, A.D. 50); XIV.35, and Dio Cass. LXII.3-6 (Boudicca the Briton, A.D. 61); Tac., *Hist.* IV.14, 17, 32 (the German Julius Civilis, A.D. 69) and 64 (Tenciter, A.D. 70). I ought also to mention here what has been called 'perhaps the most famous justification of Roman imperialism' (Barley, *TCCRE* 264): the

- speech put by Tacitus into the mouth of Petilius Cerialis in 70, to the Treveri and Lingones (*Hist.* IV.73-4).
10. On Phaedrus and his work, see Perry, *BP* = B. E. Perry's Loeb volume, *Babrius and Phaedrus* (Cambridge, Mass., 1965) lxxiii-cii.
11. See Perry, *BP* xxxv-xlvi. On the ancient collections of Aesopic fables, see Perry, *BP* xi-xix; and on the fable in general, xix-xxxiv. The most illuminating recent treatment of the Aesopic fable that I have seen is by the Italian Marxist, Antonio La Penna, 'La Morale della favola esopica come morale delle classi subalterne nell' antichità', in *Società* 17.2 (1961) 459-537, which I was not able to read until this chapter was finished. For Aesop himself, see Johannes Sarkady, 'Aisopos der Samier. Ein Beitrag zur archaischen Geschichte Samos', in *Acta Classica* (Univ. Scient. Debrecen.) 4 (1968) 7-12. Meuli, *HWF*, gives an interesting general survey, with bibliography (esp. 5 n.1, 9 n.1, 11 n.1), and mentions many relevant literary passages, e.g. *Hdt.* I.141.1-3; *Arist.*, *Rhet.* II.20, 1393<sup>b</sup>23-4<sup>2</sup>, 1394<sup>a</sup>2-9; *Pol.* III.13, 1284<sup>a</sup>15-17 (on this last, see Perry, *BP* 512-13, no.450; Newman, *PA* III.243). It is interesting to find that the earliest known collection of Aesopic fables was made in the late fourth century B.C. by Demetrius of Phalerum: see *Diog. Laert.* V.81 (with Meuli, *HWF* 11). Of course, we cannot identify any fable as having been composed, by Aesop or anyone else, while still a slave, and the lament of David Daube is perfectly correct: 'We do not possess a single work composed by a slave while in slavery. When you consider the enormous ratio of slaves in the ancient world and the talent that must have existed among them, you begin to realise the tragedy, the horror, of this datum' ('Three Footnotes on Civil Disobedience in Antiquity', in *Humanities in Society* 2 [1979] 69-82, at 69). For Hebrew fables, see Daube, *Ancient Hebrew Fables* (1973, Inaugural Lecture of Oxford Centre for Postgraduate Hebrew Studies).
12. This fable is summarised in Perry's Loeb edition of Babrius and Phaedrus (see n.10 above) 456-7 no.185, where references are given to various texts, specified at 420-2.
13. For Tam, see his *HC* 164; contrast E. V. Hansen, *The Attalids of Pergamon* (= *Cornell Stud. in Class. Philol.* 36, 1971) 144; H. L. Jones in Vol. VI.251 of the Loeb edition of Strabo; Joseph Fontenrose, 'The crucified Daphidas', in *TAPA* 91 (1960) 83-99, at p.85.
14. For an interesting general treatment of 'nationalism' in the Roman world, see F. W. Walbank, 'Nationalism as a factor in Roman history', in *HSCP* 76 (1972) 145-68; cf. Walbank's 'The problem of Greek nationality', in *Phoenix* 5 (1951) 41-60.
15. See pp.294-5 of Jones's article (= *RE* 324-5), and *LRE* II.969-70. Cf. W. H. C. Frend, *The Donatist Church* (repr., 1971), esp. 172-6, 190-2, 208-10, 222, 226, 233-5, 257-8, 260, 265, 272, 291-2, 298-9, 326-32. Jones in his article, p.282 n.1 (= *RE* 310 n.3), says he differs 'only in some points of emphasis and interpretation' from Frend's book. There are also some very interesting remarks on the Donatist as having deep inside him 'quelque chose qui disait non à l'Empire', in Courtois, *VA* 135-52 (my quotation is from p.148, which merits special attention). The best short survey of the problem of Donatism and the proffered solutions that I have seen is by R. A. Markus, 'Christianity and Dissent in Roman North Africa: changing perspectives in recent work', in *SCH* 9 (1972) 21-36.
16. John Barns, *SHS* (1964) is brief. For bibliography on Shenute, see Otto Bardenhewer, *Gesch. der altkirklichen Lit.* IV<sup>2</sup> (1924) 98-100; and esp. J. Quasten, *Patrology* III (1960) 185-7. The 'standard work' on Shenute is Johannes Leipoldt, *Shenute von Atripe und die Entstehung des nationalen ägyptischen Christentums = Texte u. Untersuch.* XXV.1 = n.F. X.1 (Leipzig, 1903). For those who do not read Coptic, there are Latin translations by Hermann Wiesmann of the three volumes in Coptic ed. by Leipoldt and W. E. Crum, *CSCO, Scr. Copt.*, Series 2, Vols II, IV and V (= Sinuthius I, III and IV); these translations are (in corresponding order) *CSCO* 129 = *Scr. Copt.* 16 (Louvain, 1951), containing the interesting Life of Shenute by his pupil Besa; also *CSCO* 96 = *Scr. Copt.* 8 (Paris, 1931, repr. Louvain, 1965), and *CSCO* 108 = *Scr. Copt.* 12 (Paris, 1936, repr. Louvain, 1952), containing works by Shenute. The letter of Shenute translated by Barns, *SHS* 156-9, can also be found in Wiesmann's Latin version (almost complete) in *CSCO* 96 = *Scr. Copt.* 8 (see above) 43-7. The texts and translations by E. Amélineau, *Les Oeuvres de Shenoute* (2 vols in parts, Paris, 1907-14), are said to be much less reliable. One or two other editions are mentioned by Barns, *SHS* 152; Quasten, op. cit. 186. To Quasten's bibliography I need add only Stein, *HBE* P.298-300; R. Rémondon, 'L'Égypte et la suprême résistance au Christianisme (V<sup>e</sup>-VII<sup>e</sup> siècles)', in *Bull. de l'Inst. français d'archéol. orientale* 51 (1952) 63-78.
17. I shall have much to say about the Council of Chalcedon and its consequences in my discussion of persecution by the Christian Churches, referred to near the end of this section.

18. I have preferred the version of Socr., *HE* IV.6.3 to 7.11, and Soz., *HE* VI.8.3-8 (cf. 26.1, 6-7) to that of Theod., *HE* II.27.4, 20-1; 29.1-10 (where the replacement of Eleusius by Eunomius takes place during the reign of Constantius II). See also Philostorg., *HE* IX.13.
19. Socr., *HE* II.38.28 (contrast III.11.3); Soz., *HE* IV.21.1; V.5.10. It appears from Soz., *HE* V.xv.4-7, that whereas the Cyzicene embassy to Julian asking for the restoration of pagan temples must have emanated from the Council and therefore from the curial class, Eleusius drew support for his anti-pagan activities mainly from the large number of humble workers in the State wool-manufactory and the mint.
20. Socr., *HE* II.38.28; Soz., *HE* IV.20.2-3. But Eleusius did not go in for the enormities described by Socr., *HE* II.38.6-13, as characteristic of the activities of Macedonius.
21. The fragments of the *Thalia* have been collected and analysed by G. Hardy, *Recherches sur Saint Lucien d'Antioche et son école* (Paris, 1936) 246-74, virtually a republication of his article, 'La *Thalia* d'Arius', in *Rev. de philol.* 53 = 3<sup>e</sup> série 1 (1927) 211-33. The latest treatment I have seen of the *Thalia* is by G. C. Stead, 'The *Thalia* of Arius and the testimony of Athanasius', in *JTS* n.s.29 (1978) 20-52, with a partial reconstruction in verse (48-50): 7 lines from Athan., *Orat. c. Arian.* 1.5, and 42 lines from *De synod.* 15, with commentary. See also Aimé Puech, *Hist. de la litt. grecque chrét.* III (1930) 59-63. The principal fragments are from Athan., *De synod.* 15; *Orat. c. Arian.* 1.5-6, 9 (cf. 2 and esp. 4); *Ep. ad episc. Aegypt. et Lib.* 12. (The best text of *De synod.* 15 is now that of H. G. Opitz, *Athanasius Werke* II.1 [1941] 242-3.)
- 21a. It appears from Philostorgius, *HE* II.15, that Theognis, Arian bishop of Nicaea in the reign of Constantine and just afterwards, had had similar thoughts half a century earlier; he took the same view as Marinus. And cf. Socr., *HE* I.vi.9.
22. Soz., *HE* VIII.1.9 ff. repeats roughly the same material as Socrates. Sozomen too admired Sisinnius: see the passage just cited, and VII.12.3-6.
23. Eudoxius, as a major Arian figure, is of course execrated by Catholic writers, e.g. Theod., *HE* II.25.1, describing him as ravaging the Lord's vineyard like a wild boar during his earlier tenure of the bishopric of Antioch.
24. *Coll. Avell.* I, § 7, in *CSEL* XXXV.1.3, ed. O. Guenther, 1895. The most recent treatment I have seen of the Damasius-Ursinus strife is the admirable brief article by M. R. Green, 'The supporters of the Antipope Ursinus', in *JTS* n.s.22 (1971) 531-8. There is an Eng. trans. of the relevant part of the *Coll. Avell.* passage by S. I. Greenslade, *Schism in the Early Church*<sup>2</sup> (1964) 15-16. Greenslade's attitude to 'the Church' and to schism and heresy should be compared with the position adopted here. It is highly theological and, in my opinion, does not take sufficient account of historical reality, in particular the fact (which I have stressed in the next paragraph of the main text above) that the early Christians normally denied the very name of Christians to those they regarded as heretics or schismatics.
25. Socrates says that he got the story from a Paphlagonian peasant (*agroikos*) who claimed to have been present at the battle (it was a long time ago!), and that his account was confirmed by many other Paphlagonians (*HE* II.38.30).
26. Among New Testament passages which refer to or foreshadow the rise of heresy or schism, see esp. Act. Apost. XX.29-30 (note the *λύκοι βαρεῖς*!); Rom. XVI.17-18 (those causing *τὰς διχοστασίας καὶ τὰ σκάνδαλα παρὰ τὴν διδασκίαν*); I Cor. i.10 (*σχίσματα*)-12; iii.3-4, xi.18 (*σχίσματα*), 19 (*αἰρέσεις*); Galat. I.6-9 (*ἀνάθεμα* against anyone preaching *ἕτερον εὐαγγέλιον*); V.20 (*διχοστασίαι, αἰρέσεις*); Tit. III.10-11 (reject the *αἰρετικὸς ἄνθρωπος* after two admonitions); II Pet. ii.1-3 (*ψευδοδιδάσκαλοι*, bringing in *αἰρέσεις ἀπωλείας*); Rev. II.6 & 15 (the hateful *ἔργα* and *διδασκίαι* of the Nicolaitai), also 14 (the *διδασκίαι* of Balaam). Cf. also Act. Apost. XV (esp. 1-2, 5, 24); II Cor. xi.3-4, 12-13, 14-15; Galat. II.11-14; I Tim. i.19-20; vi.3-5, 20-1; II Tim. ii.16-18; iii.5-9; iv.3-4; Tit. I.9-14 (esp. 10-11).

## [VIII.i]

1. The standard work on the Roman citizenship is Sherwin-White, *RC*<sup>2</sup> (1973). It will be obvious that my views are very different from his in some ways.
2. For the position in the Greek cities generally, see Jones, *CLIE*; *GCAJ* 117-20, 131-2; and V.iii above, with Appendix IV. 'Freedom' was precarious and could be taken away for alleged misconduct: see V.iii n.23 above, and n.11 below.
3. It is here that I find myself in disagreement with Garnsey (*SSLPRE* and *LPRE*): see below.

4. If not 212, the date must be 213 (as advocated by E. Bickermann in 1926, and by Z. Rubin, in *Latomus* 34 [1975] 430-6), and apparently early in that year (see D. Hagedorn, in *ZPE* 1 [1967] 140-1). But Simone Feller, *Attiene in II<sup>a</sup> e III<sup>a</sup> sede. Studi cronologici e paleografici* (Paris, 1976) 64-72, makes a good case for the traditional date of publication at Rome between March and July 212. The principal study of the CA is by Chr. Sasse, *Die Constitutio Antoniniana* (Wiesbaden, 1958), which sets out all the relevant evidence and concludes with three bibliographies, the third of which alone, containing 'Die Spezialliteratur' on the CA, runs to no fewer than ten pages and 145 items. A certain amount of relevant literature has appeared since, some of which is noticed in A. N. Sherwin-White's article, 'The *tabula* of Bannasa and the CA', in *JRS* 63 (1973) 86-98; cf. Sherwin-White, *RC*<sup>2</sup> 312, 382, and esp. 336 and 393-4. (For a useful comment on the relevance of that inscription to the CA, see also Brunt's addition to Jones, *RE* 5 n.11.) For full particulars of the literature up to 1965, see Sasse, 'Literaturübersicht zur *Constitutio Antoniniana*', in *JJP* 14 (1962) 109-49; 15 (1965) 329-66. I should say that I accept *P. Glm.* 40.1 = *FIRA*<sup>2</sup> I.445-9, no.88 = *M. Chr.* 426, no.377, as very probably representing the text of the CA. I have not been able to study the dissertation of 536 pages in two volumes by Hartmut Wolff, *Die Constitutio Antoniniana und Papyrus Glm. 40.1* (Cologne, 1975). My knowledge of Byzantine papyri is not sufficient to enable me to form a definite opinion on the extent to which Roman imperial legislation was actually the law in Late Roman Egypt, a problem which has been the subject of much controversy since Mutschers, *RuV* (1891); and I shall therefore merely give a reference to one recent work (which has very full bibliography): A. Arthur Schüller, 'The fate of Imperial legislation in Late Byzantine Egypt', in *Legal Thought in the U.S.A. Under Contemporary Pressures*, ed. John N. Hazard and Wenceslas J. Wagner (Brussels, 1970). On the wider question of the enforcement of Roman law in the empire generally, cf. now V. Nutton, in *Imperialism in the Anc. World*, ed. P. D. A. Garnsey and C. R. Whittaker (1978), at 213-15 and 340-1 nn.33-41.
5. There has always been a dispute whether certain words of *P. Glm.* 40.1, 'except the *delicti*', are an exception to the main clause or to the subordinate clause (the genitive absolute) that follows. I am inclined to favour the latter view, having regard to the usage of the papyri, as established by Sasse: see Sherwin-White, *RC*<sup>2</sup> 381-2, and pp.97-8 of his article cited in the preceding note. Contrast Brunt's addition to Jones, *RE* 5 n.11. Perhaps we should leave the question open. But whatever our decision on this point, the *delicti* will be such a small proportion of the total population of the empire that it must be correct to see the CA as giving the citizenship (as I have put it in the main text above) to 'all, or virtually all, the free inhabitants of the empire'.
6. The *vicesima libertatis* was another such tax, but the one on inheritances was surely much more important. Some if not all of Caracalla's extensions of these taxes, including his doubling of the rate to 10 per cent, were cancelled some five years later by Macrinus: see Dio Cass. LXXVII[LXXXVIII].ix.4-5; LXXVIII[LXXIX].xii.2.
7. See J. F. Gilliam, 'The minimum subject to the *vicesima hereditatis*', in *AJP* 73 (1952) 397-405. The lower limit of HS 100,000 which is often assumed seems wildly exaggerated: Gilliam shows from the evidence of *P. Mich.* 435 + 440 that the tax probably went down below 2,000 drachmae. If he is right, to say that 'it is highly probable that by the time of Caracalla the majority of the great fortunes of the empire were already within the fold' (Sherwin-White, *RC*<sup>2</sup> 281) is a weak argument against accepting Dio's statement. Gilliam is inclined to accept Dio's opinion, as some other leading scholars have been: see recently Jones, *SRGL* 140.
8. Garnsey, *SSLPRE* 75-6; and in *JRS* 56 (1966) 167-89, at 184-5; cf. *JRS* 58 (1968) 51-9.
9. See on this Sherwin-White, *RSRLNT* 64, 67.
10. Full references to texts and English translations of this famous inscription are given in IV.ii n.11 above (*FIRA*<sup>2</sup> I. no. 103 etc.). The specific passages referred to here are col. iii, lines 1-2, 19-20; and col. ii, lines 13-14.
11. Rhodes was deprived of its freedom in A.D. 44 by Claudius, for executing Roman citizens (Dio Cass. LX.24.4); Cyzicus in B.C. 21 by Augustus, for the same reason (Dio Cass. LIV.7.6). When Cyzicus was deprived of its freedom for a second time, by Tiberius, one of the charges against it was of mistreating Roman citizens (Tac., *Ann.* IV.36.2-3; Suet., *Tib.* 37; Dio Cass. LVII.24.6). According to Dio Cass. LX.17.3 (A.D. 43), the reason why Claudius deprived the Lycians of their freedom was that they had been *σταυρώσαντες* and had killed some Romans; but contrast Suet., *Claud.* 25. Cf. V.iii n.23 above.
12. To speak of 'families' in all these cases is a gross oversimplification; but I must not go into detail. On the whole I agree with Garnsey, *SSLPRE* 235-51. Membership of the senatorial order went down to the third generation of agnate descendants and their wives (ibid. 237 and n.2).

For equestrian status, see VI.vi above, *ad fin.*: it was not hereditary in the same sense as that of senators, but see *CJ IX.xli.11.pr.* for a specific case of privilege for *eminentissimi* and *perfectissimi* extending to the third generation. Garnsey may well be right in saying that equestrians of lower grade were 'perhaps protected only to the first generation', as was the case with curial families (*ibid.* 242).

13. The position of soldiers is peculiar and disputed: see Garnsey, *SSLPRE* 246-51; Cardascia, *ADCHH* 328.
14. Cf. Cardascia's review of Garnsey, *SSLPRE*, in *hon* 21 (1970) 281-4.
15. See Jones, *RCS* 44 ff. = *SRGL* 161 ff.
16. Narcissus received *quaestoria insignia* from the Senate in 48 (*Tac., Ann.* XI.38.5), *Pallas praetoria insignia* in 52 (*ibid.* XII.53.2-5; the *SC*, which also contained a gift to Pallas of HS 15,000,000, was moved by Barea Soranus; cf. *ibid.* XVI.21.20).
17. Cardascia, *op. cit.* in n.14 above, esp. 253-4.
18. See Garnsey, *SSLPRE* 136-41, esp. 139 and nn.6-7. But Garnsey does not make it sufficiently clear how the situation *changed*, as it did, during the second century.
19. Garnsey, *SSLPRE* 104, 141; cf. 141-7, 213-16, 224, 242-3.
20. Cf. Garnsey, *SSLPRE* 146, 166. In case anyone wishes to delete 'vel quaestionibus' from *CJ IX.xli.11.pr.*, as an interpolation, I would point out that the text forms part of the *CJ* title *De quaestionibus*. That does not absolutely rule out interpolation, I suppose, but to my mind it makes it unlikely. Marcus' ruling was presumably taken by Diocletian and Maximian, when issuing their constitution (*CJ IX.xli.11.pr.* and 1), from Ulpian's *Disputationes* (*ibid.* 1), indeed Book I thereof (see *Dig.* I.ii.2.2). Of course we cannot rule out the possibility that they may have interpolated the words 'vel quaestionibus'; but why should we make any such unnecessary assumption?
21. Of these texts, *Dig.* I.ii.14 is decisive. Pius ruled that a decurion was not to be tortured even if he had been condemned – to a penalty, evidently, which involved loss of his status as a decurion, as would result even from *relegatio* (Ulpian, in *Dig.* I.ii.2.*pr.*, etc.), which did not involve loss of citizenship, as did *deportatio*. The second sentence of *Dig.* I.ii.14 may be Paulus' comment rather than the decision of Pius, but for what it is worth it proves conclusively that, at least in the eyes of Paulus, it was the condemned man's former status as a decurion (not as a citizen, or a free man) that prevented him from being tortured.
22. Perhaps I should mention that before the persecution of Decius in 250-1 there are few reliable references to the judicial torture of Christians. Some Christian slaves were certainly tortured (see e.g. Pliny, *Ep.* X.96.8), and some of the others who are said to have been tortured (see e.g. the mid-second-century *Passio Pelyncipi* 2.2-3.4; *Eus., HE IV.xv.4-5*) will have been slaves or *peregrini*. If the martyrdom of Carpus and Papyrus is Decian in date, as seems likely, then I think that only one of the Christians alleged to have been tortured before the Decian persecution can be positively identified as a Roman citizen: Attalus, in the persecution at Lyons in c. 177 (*Eus., HE V.1.43-4, 50-2, cf. 17, 37*). It will be useful to refer here to a recent book on the records of early Christian martyrdoms which is exceptionally well-informed and accurate: Giuliana Lanata, *Gli atti dei martiri come documenti processuali* (Milan, 1973), esp. 113-14, cf. 68 n.108. Some early Christian authors write as if the torture of accused Christians were usual: see e.g. Tert., *Apol.* 5: 197 A.D.; 2.5, 10-11, 13, 15, 19; *Ad Scap.* (after c. 210) 4.2-3; Minuc. Fel., *Octav.* 28.3. The last-mentioned work is almost certainly to be dated in the latter part of the Severan period – 'the first third of the third century', according to G. W. Clarke, *The Octavius of Minus Minucius Felix* (New York, 1974) 5-12, 136-9.
23. Cf. e.g. *CJ III.xxviii.11*, Maecianus, in *Dig.* XXXVI.1.5.
24. See Cardascia, *ADCHH* 317-19, preferable to Garnsey, *SSLPRE* 200-3, 234-5, 251-2, who hardly takes sufficient account of the corruption of the text of Paulus, *Sent.* V.iv.10.
25. Cardascia, *ADCHH* 310, 466-7; Garnsey, *SSLPRE* 182-5.
26. For the Greek East, see Jones, *GCAJ* 180 (with 342 n.46); and for Italy and north Africa, Duncan-Jones, *EREQS* 81-2, 138-44. See also III.vi and its n.35 above.
27. I need only refer to J. C. Mann's article, 'The frontiers of the Principate', in *ANRW II.i* (1974) 508-33, at 516-17 (with its n.5), which explains the reason for the change.
28. There were scarcely three dozen Roman citizen colonies in the Greek East and only three Roman *municipia*: see Jones, *RE* 90-1.
29. Sherwin-White, *RC<sup>2</sup>* 273 (my italics).
30. Rostovtzeff, *SEHRE<sup>2</sup>* I.343-52, 378-81; cf. 35, 117 (with II.586-7 n.18), 191, 192-4, 263 and 266 (with II.660-1 nn.20-5), 273-98 (on Egypt), 334, 381-5, 413, 430-1, 477-80, 503. In most of

these passages (and others like them) Rostovtzeff shows himself well aware of the existence of what I am calling 'the class struggle'. For a good general critique of Rostovtzeff's work, a biography, and a very full bibliography (of 444 items), see II.i n.5 above.

31. N. H. Baynes, review of Rostovtzeff, *SEHRE<sup>2</sup>*, in *JRS* 19 (1929) 224-35, at 229-33, repr. in *BSOE* 307-16; and 'The decline of the Roman power in Western Europe: some modern explanations', in *JRS* 33 (1943) 29-35, repr. in *BSOE* 83-96 (esp. 92-3).
32. See Baynes, *BSOE* 309, 93.
33. V. Gordon Childe, *What Happened in History* (Pelican, 1942 and repr.) 250. Childe's earlier work, *Man Makes Himself* (1936: 3rd ed. 1956 and repr.), has also, deservedly, been read by many who are neither archaeologists nor historians. A detailed description of Childe's great contributions to archaeology and history was announced as I was completing this section: Bruce G. Trigger, *Gordon Childe: Revolutions in Archaeology* [published 1980].
34. For the important contributions of Lynn White (and of R. J. Forbes) to the history of mediaeval technology, see II.i n.14 above, where I have mentioned that White's article (TIMA) quoted in the main text of this section, although open to criticism at some points, is still well worth reading, although it is largely replaced by his chapter in Vol. I of the *Fontana Economic History of Europe*.

## [VIII.ii]

1. Jones, *RE* 11-19 (a masterly summary over the whole period from the first to the sixth century); *RE* 396-418, esp. 396-9, 401, 413-16, 418; *LRE* II.724-63 (esp. 737-57), with the notes in III.228-43, and other passages (some of them important) given in the Index, s.v. 'decurions (curiales)'; *GCAJ* 179-210 (with the notes, 342-8), not entirely superseded by *LRE*. Among other recent articles, Garnsey, *ADUAE*, is particularly well worth reading and has a useful bibliography at the end.
2. Among the early occurrences of the word *curialis* in this sense are (i) *CTh.* XII.i.6 = *CJV.* v.3.1 (*civitati cuius curialis fuerat*), probably A.D. 318 rather than 319 (if 'Aquilcia' is correct); (ii) *FIRA P.* 462, no.95 (= *MAMA VII.305* = A/J 154), col.i.19, A.D. 325-6; (iii) *CTh.* XII.i.19 (*init.*), A.D. 331; (iv) *CTh.* XII.i.21 (*init.*), probably A.D. 334 rather than 335. Characteristic of the neglect of Later Roman history by Classical scholars until recently is the fact that Lewis and Short's *Latin Dictionary* (the one most used in the English-speaking world) is most misleading s.v. *curiales*, making out that the word means 'in late Latin, belonging to the imperial court': the three references which follow from Ammianus all refer quite clearly to local councillors!
3. See Liebenant, *SRK* 229-30 and n.5; Jones, *GCAJ* 176, with 340 n.40; *LRE* II.724-5, with III.228 n.26 (corrected as regards II.A 266 by Duncan-Jones, *EREQS* 283 n.7). For the West, see Duncan-Jones, *EREQS* 283-7, and in *PBSR* 31 (1963) 159-77, at 167-8.
4. *IGRR* III.154 = *CIL* III.282, line 49. For payment of *summa honoraria*, *honorarium decurionatus*, on becoming a decurion in a Greek city, see e.g. Pliny, *Ep.* X.xxxix.5 and cxii-iii; Dio Chrys. XLVIII.11, *SIG<sup>3</sup>* 838 = A/J 85, line 14; *IGBulg.* IV.2263, lines 9-12. Much more is known about the corresponding payments in the Latin West: see e.g. Duncan-Jones, *EREQS* 82-8 (Africa) and 147-55 (Italy); here too adlections *grati* are recorded (*ibid.* 148 and n.2). Cf. Garnsey, as cited by Duncan-Jones; and Pleket, in *Cronon* 49 (1977) 59-60.
5. For *SB* III.ii (1927) 7261, see H. B. van Hoesen and A. C. Johnson, 'A papyrus dealing with liturgies', in *JEA* 12 (1926) 118-19.
6. See Jones, *GCAJ* 204-5 (with 347 n.96), who could give only three examples after Constantine: *CTh* XII.i.53, 96, 133. (In Clyde Pharr's translation of the *CTh* there is a serious error in XII.i.96: contrast Jones's correct translation, *GCAJ* 205.) I would add *ibid.* 72, 124.
7. Even if the explicit purpose of the law was to prevent illiterates who were already decurions from escaping curial burdens, it shows that there were now illiterate decurions. And although of course some illiterates who had made money might be pleased to join their *ordo*, it is at least as likely that the well-to-do illiterates Diocletian had in mind had been obliged to become decurions because of their financial usefulness to their *curia*; it may have been attempts on the part of some of them to claim that their illiteracy made the performance of *munera* impossible for them which called forth Diocletian's edict.
8. An interesting example is *P. Oxy.* I.71, col.i.11 (A.D. 303): the man had been chief priest at Arsinoë and superintendent of the corn supply (*Sat.* i.2, 15-16).
9. This is the correct form of the name (often given as Aptangi): see *CIL* VIII, Suppl. iv (1916), no.23085, and p.2338.

10. The best account is that of J. F. Gilliam, 'The plague under Marcus Aurelius', in *AJP* 82 (1961) 225-51, who rightly warns against exaggerating its dimensions and its effects – as is only too common with ancient plagues (an example is the recent book by W. H. McNeill, *Plagues and Peoples*, 1977). See also A. R. Birley, *MA* (1966) 202-3, 212, 214, 217-18. Dio Cass. LXXII[LXXIII].14.3-4 is particularly interesting; he mentions a disease in about 189 of which '2,000 people often died at Rome in a single day'; and Dio describes this as 'the greatest disease' he knew of – yet he had probably been born in 163-4 (see F. Millar, *SCD* 13), just before the outbreak of the great plague under Marcus. One of Gilliam's arguments against exaggerating the plague of the 160s, based on the passage from Dio I have just quoted, is rejected by Millar (ibid. n.4, endorsed by Birley, *IRMA* 217 n.8), on the ground that the infant Dio 'no doubt failed to notice' when Verus' plague-stricken army returned through his home town of Nicaea in 166. But Millar mistranslates Dio, who refers to the plague of the 160s as the greatest he 'knew of', not the greatest he 'had experienced'.
11. See the very well informed discussion of the chronology by A. R. Birley, *IRMA* (with full bibliography, esp. in 214 nn.1-3).
12. *Βουκόλοι* should mean 'herdsmen', but the name may be derived rather from the district where the rebels operated, known as τὰ βουκόλια (W. Chr. 21.6, 19-20), where there had been a rising some twenty years earlier, in the reign of Antoninus Pius, as shown by W. Chr. 19 = A/J 175; *Hist. Aug., Ant. P.* 5.5; Malalas XI, p.280.16-17, ed. W. Dindorf; cf. the very full discussion by Alexander Schenk, Graf von Stauffenberg, *Die römische Kaiserzeit, bei Malalas* (Stuttgart, 1931) 307-9, 312-13. [See also Pavel Oliva, *Pannonia and the Onset of Crisis in the Roman Emp.* (Prague, 1962) 119-20; and J. C. Shelton, in *Ant. Soc.* 7 (1976) 209-13, which I saw only after this chapter was finished.]
13. *Hist. Aug., Marc.* 17.4-5; 21.9; Eutrop. VIII.13.2 (the auction lasted for two months). Cf. the probable fragment of Dio Cassius preserved by Zonaras XII.1 and the *Excerpta Salmasiana* 117, printed in Boissevain's standard edition of Dio, Vol. III, p.280, and in Vol. IX of the Loeb edition, p.70. See Birley, *MA* 218-19.
14. Contrast, recently, M. H. Crawford, 'Finance, coinage and money from the Severans to Constantine', in *ANRW* II.ii (1975) 560-93, at 591-2, with Birley, *TCCRE* 260 n.1, who rightly points out that 'vast sums would be required during campaigns for equipment (arms, armour, matériel of all kinds), road and bridge building, repair of enemy damage, remounts etc.'. There is no doubt some truth in Crawford's argument that army units were often under strength in time of peace; although if that was so, then the increased expenditure in wartime would have been even greater.
15. There is a convenient brief summary by G. R. Watson, in *OCD*<sup>2</sup> 1014, with bibliography, to which add M. Speidel, 'The pay of the Auxilia', in *JRS* 63 (1973) 141-7, and other works cited by Birley, *TCCRE* 267 and nn.6-7.
16. I am ignoring that famous passage, Pliny, *Ep.* X.113, because I think the text is too uncertain to bear the weight of the argument usually based upon it: namely, that we have here the earliest evidence of men being compelled to become councillors (see Jones, *GCAJ* 343-4 n.64; cf. Garnsey, *ADUAE* 232 and nn.11-12; F. A. Lepper, in *Gnomon* 42 [1970], at 570-1). It may well be that we should read 'invitati' instead of 'inviti', with Mynors (in the *OCT*, 1963) and Sherwin-White, *LP* 722-4; but I regard the question as still open.
17. The distinction between *munera personalia* (or *personae*) and *patrimonii* is not clearly explained by the Severan lawyers (cf. Rostovtzeff, *SEHRE*<sup>2</sup> II.714-15 n.18), although it often appears in their surviving writings (as in Ulpian, *Dig.* L.vi.4, and Papinian, L.v.7); but it is stated in detail by Hermogenian (*Dig.* L.iv.1), probably in the late third century. The only formal statement about *munera mixta* is by Arcadius Charisius, a little later (probably in the last years of the third century or the first years of the fourth), in *Dig.* L.iv.18, esp. pr. and 26-8. A very useful recent work is Naphtali Lewis, *Inventory of Compulsory Services in Ptolemaic and Roman Egypt* (= *Amer. Stud. in Papyrology* 3, 1968), an essential supplement to F. Oertel, *Die Liturgie. Studien zur ptolemäischen und kaiserlichen Verwaltung Ägyptens* (Leipzig, 1917).
18. See the interesting chapter by V. Nutton, 'The beneficial ideology', in *Imperialism in the Ancient World*, ed. P. D. A. Garnsey and C. R. Whittaker (1978) 209-21, at 219-20, with 342 nn.64-8, utilising esp. L. Robert, 'Epigrammes relatives à des gouverneurs', in *Hellenica* 4 (1948) 35-114.
19. There is a nice example in Symm., *Rel.* XXXVIII.2.5: Venantius, a decurion in Apulia, had managed to obtain the minor post of *strator* in the department of the *magister officiorum* (§ 4) –

- illegally, since he was proved to be a decurion. The possible conflict of authority between the provincial governor and the *vicarius urbis Romae* on the one hand and the *magister officiorum* on the other made Symmachus feel it necessary to refer the case to the emperor himself. See Jones, *LRE* I.518.
20. In the text and in the notes below I have been very sparing with references to modern works and have cited only Jones (*LRE* and *GCAJ*), Norman (*GLMS*), Rostovtzeff (*SEHRE*<sup>2</sup>), and Turner (n.21 below). Norman, *GLMS*, is a particularly good summary, but I must also mention here his most useful long review, in *JRS* 47 (1957) 236-40, of two important books by Paul Petit (of which one especially, *L'VMA*, is a mine of information), including much that is relevant to the curial class, especially of course of Antioch.
  21. See E. G. Turner, 'Egypt and the Roman Emp.: the *ἡεκάπορος*', in *JEA* 22 (1936) 7-19; Jones, *GCAJ* 139 (with 327 n.85), 153 (with 333 n.106); Rostovtzeff, *SEHRE*<sup>2</sup> I.390-1 (with II.706-7 nn.45, 47), 407 (with II.715 n.19).
  22. See Jones, *LRE* II.544, and 750 (with III.240 n.88). Most interesting is Liban., *Orat.* XXVIII.4 ff., esp. 21-2 (see Jones, *LRE* II.750). See also Nov. *Theod.* XV.2.1 for some extraordinary behaviour by a decurion of Emesa, who had obtained the honorary rank of *illustris*; and note the very mild punishment he received.
  23. See Liban., *Orat.* XI.133 ff. for the Council, 150 ff. for the *dēmos*. In § 150 the *dēmos* is to follow the Council as a chorus follows its leader (*koryphaios*).
  24. Stephen L. Dyson, 'Native revolts in the Roman Empire', in *Historia* 20 (1971) 239-74; and 'Native revolt patterns in the Roman Empire', in *ANRW* II.iii (1975) 138-75.

## [VIII.iii]

1. C. P. Jones, 'The date of Dio of Prusa's Alexandrian oration', in *Historia* 22 (1973) 302-9, suggests A.D. 71-2. In § 72 he would emend *Κόων* to *Κόλων* = L. Peducaeus Colonus, Prefect of Egypt c. 70-2. But J. F. Kindstrand, same title, in *Historia* 27 (1978) 378-83, agrees with H. von Arnim, *Leben und Werke des Dio von Prusa* (Berlin, 1898) 435-8, in preferring the reign of Trajan. I cannot deal in this book with several disturbances at Alexandria, recorded in sources of very varying value, but I will at least mention the article by S. J. Oost, 'The Alexandrian seditions under Philip and Gallienus', in *CP* 56 (1961) 1-20, which has very full references.
2. The Spartan inscription is *AE* (1929) 21, first published by A. M. Woodward in *BSA* 27 (1925-6) 234-6, where line 7 has *ἐφορος ἐπὶ τῶν νεωτερισμῶν*; cf. perhaps *ἐπὶ τῶν γενομένων νεωτερισμῶν* in *IG* V.i.44.9-10. Some have brought Lucian, *De morte Peregr.* 19 (init.) into this context. The two *Historia Augusta* references are *Pius* 5.5 and *Gallien.* 4.9. (For the Egyptian rebellion which is also mentioned in *HA*, *Pius* 5.5, see VIII.ii n.12 above.)
3. Cleon is probably the Medeios of Dio Cass. LI.ii.3. He is said to have earned the favour of Antony by organising resistance to the tax-collectors of Q. Labienus (acting as commander of a Parthian force in 40-39 B.C.) and to have been rewarded first by Antony with the priesthood of Zeus Abretenus in Mysia and a local principality in Morene, and then, when he changed sides in the civil war, to have been rewarded by Octavian with the important high priesthood of Comana in Pontus (Strabo XII.viii.8-9, pp.574-5). As for the activities of the ex-slave Anicetus and his followers in the Pontic region in A.D. 69 (Tac., *Hist.* III.47-8), there is evidently no need to take seriously Tacitus' contemptuous description of their suppression as a *bellum servile*.
4. This picture is not affected by other references to participation in the revolt by the lower classes: Herodian VII.iii.6; *Hist. Aug., Gord.* 7.3-4. Note that the landowners are described as *δεσπόται*, giving orders to obedient country folk – who are likely to have been mainly their tenants, with some peasant freeholders too. Cf. Whittaker's note on Herodian VII.iv.3, in the Loeb Herodian, Vol. II. I have not been able to digest the long article by Frank Kolb, 'Der Aufstand der Provinz Africa Proconsularis im Jahr 238 n. Chr. Die wirtschaftlichen u. sozialen Hintergründe', in *Historia* 26 (1977) 440-78, which I saw only after this section had been completed; but it seems evident from his last paragraph on p.477 that Kolb's main conclusion is not different from mine.
5. See Downey, *HAS* 254-8, 261, 311, 587-95 (esp. 590-2). Note esp. Petr. Patric. fr. 1, discussed by Downey, *HAS* 256. Against the view, put forward by Jean Gagé, that Mariades was a leader of a circus faction, see Cameron, *CF* 200-1.

6. On the revolt of Firmus, see Thompson, *HWAM* 90-2, 129-30, and Frend, *DC* 72-3, 197-9; contrast J. F. Matthews, 'Mauretania in Ammianus and the *Notitia*', in *Aspects of the Notitia Dignitatum*, ed. R. Goodburn and P. Bartholomew (= *British Archaeological Reports*, Suppl. Series 15, Oxford, 1976) 157-86, at 177-8. Matthews is surely right in denying that the rebellion of Firmus was in any real sense 'one of the lower orders of town or country against the landed aristocracy of the Roman cities' and that 'the Donatist schism contributed at all significantly to the rebellion'. That other African revolts were mainly tribal movements seems to me to be true even of such notable risings as those of Faraxen and the 'Fraxinenses' and the Quinquegentanei in the late 250s, and of the Quinquegentanei in the last decade of the third century, suppressed by Maximian. For these and other north African revolts, see Seston, *DT* I.115-28; Rostovtzeff, *SEHRE*<sup>2</sup> I.474 (with II.737 n.12); Mazza, *LSRA*<sup>2</sup> 659 n.4; and the article by Matthews cited above.
7. Cf. for the deserters, Dio Cass. *LXVIII*.x.3; xi.3; and see Petr. Patric. fr. 5. The Romans were particularly keen to stop the desertion of craftsmen: see e.g. for shipbuilders *CTh* IX.xl.24 = *CJ* IX.xlvii.25 (A.D. 419).
8. See Géza Alföldy, *Noricum* (1974) 168-9, with 335 nn.58-64; *Fasti Hispanienses* (Wiesbaden, 1969) 43-5.
9. Greg. Thaumaturg., *Epist. Canon.* 7, in *MPG* X.1040. The best edition I know is by J. Dräseke, 'Der kanonische Brief des Gregorios von Neocäsarea', in *Jahrb. für prot. Theol.* 7 (1881) 724-56, at 729-36. Dräseke's date is 254, which may be right. There was an even bigger Gothic invasion in c. 256, but I know of no evidence that this penetrated so far east. (The chronology of the Gothic invasions of Asia Minor in the 250s and 260s is notoriously in a state of confusion.)
10. There is no reason to see a reference to the Bacaudae in *Paneg. Lat.* V.iv.1, ed. E. Galletier (= *IX[IV].iv.1*, ed. Bachrens or Mynors), referring to A.D. 269-70: see Thompson, *PRLRGs*, in *SAS* (ed. Finley) 315 n.41; also 'Britain, A.D. 406-410', in *Britannia* 8 (1977) 303-18, at 312 n.36. The groundless emendation by Lipsius, 'Bagaudicae', appears in the editions of the *Panegyric* just referred to by e.g. Bachrens and Mynors but not Galletier.
11. The main passage in Ammianus, *XXVII*.ii.11, may be compared with Anon., *De rebus bellicis* II.3, ed. Thompson, and the evasive language of *Paneg. Lat.* II.iv (esp. 4); vi.1; III.v.3; VI.viii.3, ed. Galletier.
12. For all the known details, and the sources, see Thompson, in *SAS* 312-13, 316-18; and in his article of 1977 (mentioned in n.10 above), esp. 310-13. (See also Thompson's article in *JRS* 1956, mentioned at the end of IV.iii n.29 above.)
13. I have used the Teubner edition, *Aulularia sive Querolus*, by Rudolf Peiper (1875). Much recent bibliography will be found in the article by Luigi Alfonsi, 'Il "Querolo" e il "Dyskolos"', in *Ag.* 44 (1964) 200-5, esp. 200 n.1, where references are given to the most recent editions of the play, by G. Ranstrand (Göteborg, 1951) and F. Corsaro (Bologna, 1965).
14. In Collingwood and Myres, *RBES*<sup>2</sup> 304, cf. 284-5, 302; contrast Applebaum, in *AHEW* I.ii.236. Nor do I think there is any good ground for supposing (with Applebaum, loc. cit. and 32) that an insurrection in Britain some eighty years earlier, c. 284, in the reign of Carinus, may have involved a peasant uprising comparable to that of the Bacaudae (who are first heard of at this very time in Gaul), even if Carinus (A.D. 283-5) did take the title 'Britannicus Maximus' (*ILS* 608), based no doubt upon some activity by one of his generals in Britain. Applebaum seems (ibid. 32 n.2) to have taken Eutrop. IX.20.3 to be referring to Carinus: in fact Eutropius is speaking there of Diocletian.
15. Thompson, 'Britain, A.D. 406-410' (already cited in nn.10 and 12 above), esp. 304-9 on the chronology.
16. See e.g. Mommsen, *Röm. Strafr.* 981-3; Ostrogorsky, *HBS*<sup>2</sup> 159-60. In ibid. 114 we are told that the cutting off of the nose of Heraclonas in 641 was 'the first time that the oriental custom of mutilation by cutting off the nose is met with on Byzantine soil'. (The Empress Martina's tongue was also cut off at the same time.) But I have noticed that in Michael the Syrian, *Chron.* IX.3 (ed. J. B. Chabot, II.412: see n.34 below), the Emperor Heraclius is said to have ordered that anyone in Syria not accepting Chalcedonian orthodoxy was to have his nose and ears cut off and his property confiscated: this was presumably in A.D. 621, when Heraclius was at Mahboug/Hierapolis. I do not know whether Michael's report is true, or is simply the anti-Heraclian propaganda of a Jacobite. It is repeated by Bar Hebraeus, *Chron. Eccles.* I. col.274 (see n.35 below).
17. Is this perhaps the sort of situation referred to by Orientius, *Commonit.* II.173-4 (*CSEL* XVI.1.234, ed. R. Ellis)?

18. Paulinus of Pella, *Eucharist.* 328 ff., esp. 333-6, in *CSEL* XVI.1.304, ed. G. Brandes; and in Vol. II of the Loeb *Ausonias*, ed. H. G. Evelyn White, with Eng. trans.
19. For the revolt in Palestine, see Marcellinus Comes ad a. 418, in *Chron. Min.* II.73. (Plinta was consul in 419, perhaps partly as a reward for suppressing the rebellion.) For the revolt of the Nori, see Hydatius 95, in *Chron. Min.* II.22.
20. For Alexander, see Procop., *Bell. VII = Goth.* III.1.28-33; xxi.14. For Bessas, see ibid. xvii.10-14, 15-16; xix.13-14; xx.1, 18, 26.
21. Jones, *LRE* II.1060-1. He does admit that 'some victim of extortion may have fled in desperation' (note the singular case!). We can hardly include among Salvian's humble refugees the two sons of Paulinus of Pella, who went off to settle among the Goths at Bordeaux, inspired by 'libertatis amor' (*Eucharist.* 498-502).
22. The controversy about the real nature of the Circumcellions still continues. I am inclined to accept the general view of W. H. C. Frend, as expressed in his book, *The Donatist Church* (for which see VII.v and its n.15 above), and in two articles: 'The cellae of the African Circumcellions', in *JTS*, n.s.3 (1952) 87-90, and 'Circumcellions and monks', in id. 20 (1969) 542-9, where references will be found to all the recent literature, by Brisson, Calderone, Diesner, Saumagne, and Tengström. See also MacMullen, *ERO* 200-3 (with 353-4 n.10).
23. See e.g. Procop., *Bell. III = Vand.* I.v.11-17 (esp. 14); xix.3 (cities not friendly to Belisarius' army); xxiii.1-6 (peasants hostile to it); and IV = *Vand.* II.in.26 and esp. viii.25; cf. Courtois, *VA* 286, 311-13, with 131 ff., 144 ff.
24. I accept the interpretation of these laws given by Stein, *HBE* II.558-9, with 321-2 and I<sup>2</sup> (1959) i.327.
25. See e.g. A. Dopsch, in *CEHGF* 304, with 182.
26. See e.g. Procop., *Bell. VI = Goth.* II.xxi.39, Milan; VII = *Goth.* III.x.19-22, Tibur.
27. See Procop., *Bell. VII = Goth.* III.1.8-10, 23-4; iv.15-16; ix.1-4; xi.1-3; and see the main text and n.20 above. My 'perhaps' allows for the possibility that there may be a little more truth than is generally allowed in the vicious criticisms made of Belisarius in Procop., *Anecd.* I.10 to V.27.
28. See Procop., *Bell. VII = Goth.* III.vi.5; xiii.1.
29. Ibid. xvi.14-15, 25.
30. Justinian's *Pragmatic Sanction*, of 13 August 554, can be found in *Corp. Iuris Civil.* III (Nov. Just.) 799-802, Appendix 7. It was issued after the collapse of the Ostrogothic kingdom in Italy and the expulsion of the invading Franks and Alamans. Cf. also ibid. 803, Appendix 8 (soon after 554); and see Stein, *HBE* II.613-17; also, on the agrarian policy of Totila, ibid. 569-71, 573-4, 579, 585-6, 613-14. For abuse of Totila see *Nov. Just.*, Append. 7.2,5,6,7,8,15,17,24 (Totila the tyrannus, who is nefandissimus, is guilty of tyrannica ferocitas, and is of seleratae memoriae). Totila is also nefandissimus tyrannus in an inscription set up by Narses near Rome in 565: *ILS* 832.
31. Jones, *LRE* II.1022, with III.338 n.79. Contrast the passages I have cited in the main text and in nn.23-4, 27-30 above, and in IV.iv, n.7. Some of the passages Jones cites either prove little or tell against him, e.g. Procop., *Bell. V = Goth.* I.xiv.4-5, where the principal reason for the decision by the inhabitants of Rome to hand their city over to Belisarius is their fear of sharing the fate of many of the Neapolitans (see ibid. x.29 ff. for the slaughter that took place on the capture of Neapolis, until it was stopped by Belisarius).
32. *The Chronicle of John, Bishop of Nikiu*, trans. from Zotenberg's Ethiopic text by R. H. Charles (Text and Trans. Soc., London, 1916) cxi.12; cxiii.2; cxiv.1,3,9,10; cxix.1-2; cxxi.10-11; cf. cxi.2; cxviii.3; cxx.4, and esp. cxv.9, where we are told that 'When the Moslems saw the weakness of the Romans and the hostility of the people to the Emperor Heraclius, because of the persecution wherewith he had visited all the land of Egypt in regard to the orthodox faith, at the instigation of Cyrus the Chalcedonian patriarch [cf. cxxi.2], they became bolder and stronger in the war'. See the interesting remarks about John of Nikiu (who 'wrote his *Chronicle* to show that the Arab conquest was God's judgment on the heresy of the empire in accepting Chalcedon') in Henry Chadwick's article on John Moschus, in *JTS* n.s.25 (1974) 41-74, at 70-1 (esp. 71 n.1). John wrote near the end of the seventh century. His work, composed originally in Greek (partly in Coptic), survives only in an Ethiopic version of an Arabic translation. Therefore, if we read it in English (or in Zotenberg's French, 1883), we are taking it at fourth hand. The *Chronicle*, although a valuable source for the conquest of Egypt by the Arabs, contains much superstitious and other rubbish, and it exhibits a hostility to Hypatia (one of the most eminent of all the victims of Christian bloodthirstiness) which is unique among the surviving sources that refer to the murder of that philosopher (lxxxiv.87-102, esp. 87-8, 100-3).

33. Of the whole twenty-five years' war between Rome and Persia I know of no single full and reliable account. One of the most useful outlines I have seen is that by Louis Bréhier, in *Histoire de l'Église*, ed. A. Fliche and V. Martin, V (Paris, 1947) 72-5, 80-5, 88-101, with much citation of original sources and modern bibliography (for the sources etc., see 8-10, 14-16, 55-6, 79-88). For the Persian occupation of Egypt, see A. J. Butler's book (in its second edition, by P. M. Fraser), cited in n.37 below, 69-92, 498-507, with parts of the 'Additional Bibliography', xlv ff., esp. lviii-ix. For Asia Minor, Clive Foss, 'The Persians in Asia Minor and the end of Antiquity', in *Eng. Hist. Rev.* 90 (1975) 721-47, cites the essential modern work by N. H. Baynes (1912-13), *A. Stratos* (now 3 vols.), and the numismatists and archaeologists. There are only very brief accounts of the Persian wars in such standard works as Arthur Christensen, *L'Iran sous les Sassanides* (Copenhagen, 1944) 447-8, 492-8, Ostrogorsky, *HBS* 85, 95, 100-4; and Ch. Diehl, *Hist. générale. Histoire du Moyen Âge III. Le Monde oriental de 395 à 1081* (Paris, 1944) 140-50. I have not come across any examples for this period (contrast, for the fourth century, the main text above and nn.46-7, 49 below) of assistance being given to the Persians (or of flight to them) except on the part of the Jews (see the main text above and n.39 below). As for the exceedingly obscure subject of the Arab conquests, there is again a useful outline by Louis Bréhier, op. cit. V.127-30, 134-41, 151-60. Fraser's second edition of Butler's book (n.37 below) is essential, with its 'Additional Bibl.', esp. lxiii-iv, lxviii-lxx, lxxii-iii. For modern works in English on the subject of the Arab conquests in general, see Philip K. Hitti, *Hist. of the Arabs from the Earliest Times to the Present*<sup>10</sup> (1970) 142-75; Francesco Gabrieli, *Muhammad and the Conquests of Islam*, Eng. trans. by V. Luling and R. Linell (1968) 103 ff., esp. 143-80, with the Bibliography, 242-8.
34. See the very scholarly French trans. by J. B. Chabot, *Chronique de Michel le Syrien, Patriarche Jacobite d'Antioche (1166-1199)*, Vol. II iii (Paris, 1904) 412-13. Of all the persecuting Chalcedonian clerics, the one who was remembered most bitterly by the Syrian Christians was Dometianus of Melitene, in the last years of the sixth century, in the reign of Maurice (himself a zealous Chalcedonian): see e.g. Michael the Syrian, *Chron.* X.23, 25 (ed. Chabot, II.372-3, 379, 381); cf. R. Paret, 'Dometianus de Mélitène et la politique religieuse de l'empereur Maurice', in *REB* 15 (1957) 42-72, who shows that the persecution by Dometianus took place from late 598 until well into 601. For what seems to have been a murderous persecution of Monophysites (rather than Jews) at Antioch in 608-9, under Phocas, by the *comes Orientis* Bonosus, see Louis Bréhier, op. cit. (in n.33 above) V.73-5.
35. *Gregorii Barhebraei Chronicon Ecclesiasticum*, ed. J. B. Abbeloos and T. J. Lamy (3 vols, Louvain, 1872/4/7), Vol. I, col. 274: Syriac, with Latin trans. This work is Part II of the *Chronography* of Bar Hebraeus. Part I is translated into English by E. A. Wallis Budge, *The Chronography of Gregory Abū'l Faraj... commonly known as Bar Hebraeus I* (1932), which also gives a biography of Bar Hebraeus and a discussion of his works (pp.xv-xxxii, xxxii-vi; and see xlv-liv). For Michael as a principal source of Bar Hebraeus, see *ibid.* I, p.1. J. Pargoire, *L'Église byzantine de 527 à 847* (Paris, 1905) 147-9, has a good little section (ch.II, § 4) entitled 'Cause politico-religieuse des succès de l'Islam' citing Bar Hebraeus only, as he was writing before the definitive publication of Michael's *Chronicle* by Chabot (see the preceding note). For Egypt, Pargoire uses John of Nikiu.
36. L. Duchesne, *L'Église au VI<sup>e</sup> siècle* (Paris, 1925) 423. Cf. Bréhier, op. cit. (in n.33 above) 134-41, 151-5.
37. A. J. Butler, *The Arab Conquest of Egypt and the Last Thirty Years of the Roman Dominion*, 2nd edition by P. M. Fraser (1978), is not merely a reprint of the original edition of 1902 but has in addition two essays published as pamphlets by Butler and a most valuable 'Additional Bibliography' of 39 pages (xlv-lxxxiii) by Fraser. For Copts assisting the Arabs or failing to resist them, see esp. 278-9, 285, 318-19, 337-8, 355-7, 443, 445-6, 471, 474, 478-80; contrast 211-12, 295-6 n.1, 357, 363-4, 442, 472. The quotation that follows in the main text above is from 158 n.2 (on 159). For the persecution of the Copts by Cyrus (Al Mukaukas), see Butler, *ACE* 183-93, 252, 273-4, 317, 443-6.
38. Vol. I, col. 264-8, in the edition cited in n.35 above.
39. For a modern account of Heraclius' persecution of the Jews which will not be suspected of anti-Christian bias, see Bréhier, op. cit. (in n.33 above) 108-111. I do not sufficiently know the sources for Jewish hostility to Byzantine rule in the first half of the seventh century; but see (for the capture of Jerusalem by the Persians in 614) *ibid.* 81-2, 88-9; Butler, *ACE* 59-61, 133-4; and (for Jewish attitudes to the Arabs) Bréhier, op. cit. 110-11. A particularly fascinating

- contemporary source that is very revealing on Jewish attitudes in the second quarter of the seventh century is the *Doctrina Jacobi super baptizati*, published (with an Introduction) by N. Bonwetsch, in *Abh. Göttingen, Philol.-hist. Klasse, n.F. XII.3* (Berlin, 1910). Among the passages illustrating Jewish hostility to the Byzantine empire are IV.7; V.12, 16-17 (pp.69, 81-2, 86-8). I must also mention at this point that the persecution of the Samaritans of Palestine from 527 onwards (Cf. I.v.12, 13, 17-19), culminating in Justinian's edict ordering the destruction of their synagogues, drove them to break out into a fierce revolt in 529, soon mercilessly crushed, with the massacre and enslavement of large numbers of Samaritans (Procopius and Malalas speak of many tens of thousands), after which a body of survivors, said to number 50,000 (by Malalas, p.455, 14-15; cf. Theoph., A.M. 6021, p.179.1-4), fled to Persia and offered help to King Cavadh if he attacked Palestine; see Stein, *HBE* II.287-8, cf. 373-4, on another revolt of Samaritans (and Jews) at Caesarea in 555.
40. Amm. Marc. XXIX.iv.7. Treachery was suspected in 354 on the part of three other Alamans: Latinus (*comes domesticorum*), Agilo (*tribunus stabuli*), and Scudilo (commander of the Scutarii, a *schola palatina* of the imperial bodyguard); but evidently nothing was proved (see Amm. XIV.x.7-8). In the whole of Ammianus' history I know of no other examples of treachery by soldiers of 'barbarian' origin, even quite humble men, unless they had become liable to punishment for some offence, like the men in XVI.xi.2 and XVIII.vi.16. See also perhaps Evagr., *HE* VI.14, where Sintas is said to have betrayed Martyropolis to the Persians c. 589.
41. For the other sources for Silvanus, see *PLRE* I.840-1.
42. A recent statement that 'from the late third century on, ... there is abundant evidence from all over the empire (though especially from the eastern provinces) of ordinary people defending their towns and cities against invaders and brigands' (Cameron, *CE* 110) is an exaggeration, as anyone will discover who looks up all the references given by the authors there referred to. There is certainly much evidence for the building of walls and fortifications; but we may take it that these were mainly for the benefit of military garrisons (whose installation would be more likely in a fortified town), or simply as a natural deterrent to attackers (see the main text above for 'barbarian' reluctance to assault walled cities), so rare is the evidence for wholehearted participation by ordinary citizens in their defence. Of course I would not deny that there must have been many more examples of this sort of activity than the cases for which evidence happens to survive; but I think it is worth emphasising how few such cases there are. (My list is as full as I can make it: I dare say it is far from complete.) The earliest recorded evidence that I know is for the organising of a group of armed men at ELATEA in Phocis (in central Greece) by the Olympic victor Mnesibolus, against the Costoboci who raided Greece in 170-1 (Paus. X.34.5). Another episode in the resistance to this Costobocian raid is revealed by an inscription from THESSALONICA in Bocotia, discussed by A. Plassart, in an article cited in VIII.n.15 above. The inhabitants of a few cities are said to have made a stout resistance to Gothic sieges during the invasions of the 250s/260s (the precise chronology is very doubtful); in particular THESSALONICA, perhaps in 254 and (with CASSANDREIA/POTIDAEA; Zos. I.43.1) 268 (Zos. I.29.2; 43.1; Euseb., *FGH* II A.191 F.1 and perhaps 2; Amm. Marc. XXXI.3.16; Zonar. XII.23, 26; Syncell., p.715); MARCIANOPOLIS, perhaps in 248 (Dexippus, *FGH* II A.100 F.25; but contrast Jordanes, *Get.* 16/92, 17/94, where the enemy are bribed to depart) and, with TOMI, in c. 268 (Zos. I.42.1), although Marcianopolis may have been sacked by the Goths in 250-1 (see A. Alföldi, in *CAH* XII.145-6); PHILIPPOLIS, in 250-1 (Dexippus, F.26; but the city was then captured: Dexippus, F.22; Amm. Marc. XXXI.5.17; Zos. I.24.2; Jordanes, *Get.* 18/101-3), and probably in c. 268 (Dexippus, F.27; for the date, see Alföldi in *CAH* XII.144 n.7, 149); SIEN, perhaps 268-9 (Dexippus, F.25). One or two other cities should perhaps be added: NICOPOLIS and ANCHIALUS in 268-9 (*HA, Claud.* 12-4; but contrast Amm. Marc. XXXI.3.16; Jord., *Get.* 20/108-9), and perhaps at the same time CYZICUS (Amm. Marc. XXXI.3.16; Zos. I.43.1; Syncell., p.717; cf. *HA, Gallien.* 13.8). But in several of these cases the role played by civilians as distinct from members of a garrison is far from clear. For recent literature on the whole subject, see F. Millar, in *JRS* 59 (1969) 12-29, esp. 24-9, who adds a couple of examples from the Latin West (AUTUN, A.D. 269, and SALDAE in Africa, p.29). There now seems to be a long gap in the evidence. The principal magistrate of ADRIANOPELE in 376 organised a force of 'the lowest of the people', with the workers in the imperial arms factory (*fabri armis*), in order to exert pressure on the Visigoths to leave the city, with disastrous results (Amm. Marc. XXXI.6.2-3). In 399, according to Zosimus (V.xvi-xvii, esp. xvi.4), many of the town-dwellers of PAMPHYLIA and PHRYGIA (*οἱ τῶν πόλεων*

*oictrōpes*, XVI.4), inspired by the example of Valentinus of Selge (for whom see IV.iv n.6 above), offered armed resistance to Tribigild the Goth and his marauding army; but they were betrayed by the machinations of Gainas. It appears from Paulinus of Pella, *Epist.* 311-14, that BURDIGALA (Bordeaux) surrendered without resistance (line 312) to Athaulf and his Visigoths in 414; contrast the resistance of nearby VASATES (Bazas: see above and n.18). The inhabitants of ASEMUS (if that is the right name) are said by Priscus fr. 5 (Dindorf or Mueller) to have taken effective action against their Hun attackers in c. 443. Alone among the towns of Auvergne (Sidon. Apoll., *Ep.* VII.v.3), the men of CLERMONT FERRAND (*civitas Arvernorum*; during the Principate, *Augustonemetum*), apparently assisted by a small Burgundian garrison, held out stoutly against annual plundering expeditions and some rather half-hearted attempts at blockade by bands of Visigoths during the early 470s, until the place was abandoned to Euric and the Visigoths by a treaty made by Nepos in 475; see Sidon. Apoll., *Ep.* III.i-iv; VII.vii.3-5 etc.; and note the reference in *Ep.* III.ii.2 to internal dissensions (*civitation non minus divia similitudine quam barbarica incursione vacillat*). In this case the Roman general Ecdicius provided some help and encouragement (see IV.iv n.6 above), but his forces were evidently very small (see Sidon. Apoll., *Ep.* III.iii, esp. 3); and perhaps Sidonius himself, as well as the priest Constantius (*Ep.* III.ii), played a prominent part. Many young men of ANTIOCH, who had been 'accustomed to riot against each other in the hippodromes', joined bravely with the garrison in a vain defence of the city against Chosroes I, the Persian king, in 540 (Procop., *Hell.* II = *Proc.* II.viii.11, 17, 28-34; ix.3; see Alan Cameron, *CP* 108, 110, 125, 273). When JERUSALEM fell to the Persians in 614, we hear from Sebeos of 'young people of the city' organising an unsuccessful revolt (Sebeos XXIV, p.68, in the French trans. by Frédéric Macler, Paris, 1904). As Cameron has said, the analogy of the 'young men' of Antioch in 540 may perhaps suggest that in Jerusalem too the people concerned were *civitas* partisans (*CP* 109). All too often, it seems, everything depended on the garrison. I suspect that in face of a serious attack what happened at DAMASCUS in 636 may have been characteristic: 'Abandoned by the Byzantine garrison, the civilian population of Damascus capitulated' (P. K. Hitti, *Hist. of the Arabs* 150). And the behaviour of a garrison might depend on the quality of its commander: for example, we hear from Zosimus (I.32-33.1) that at PITYUS, on the eastern shore of the Black Sea, the garrison first drove off the Goths (apparently in 254) under its capable commander Successianus; but shortly afterwards, when Successianus was promoted to the praetorian prefecture by Valerian, the garrison offered no resistance to a renewed Gothic attack, and the town fell at once. (Cf. the behaviour of Gerontius at TOMI, c. 386, in Zos. IV.40.) Only occasionally would there have been a substantial number of veteran soldiers settled nearby, who might hurry to the defence of a threatened town, as at AUTUN in 356 (Amm. Marc. XVI.2.1). No doubt there are other examples I should have quoted, but the sources, in the other cases I have found, are too poor to be worth using. A good example is NISIBIS, where the inhabitants showed such great distress when handed over to Persia by the treaty made by the Emperor Jovian in 363 (see, among other sources, Amm. Marc. XXV vii-ix, esp. viii.13 and ix.2-8; Zos. III.33-4) that it is not difficult to believe they had taken part with the garrison in defending the city during at least some of the many sieges they had endured since becoming a Roman *colonia* under Septimius Severus (c. 195) – in particular three unsuccessful sieges by Shapur II, in 337 or 338, 346, and 350. Too many of the surviving narratives, even when they reproduce some good material, mix it with credulous rubbish: see e.g. Theodoret, *HE* II.30. Apart from a few scraps like Julian, *Orat.* II.64C (I have not been able to consult Ephraim Syrus), I know of no useful evidence for the general participation of citizens in the defence; and see J. Sturm, in *RE* XVII.1 (1936) 741 ff. esp. 744-6. Again, we may easily be misled by the desire of a writer to glorify his native place by giving its population a greater role in defending their city than they had displayed in reality. I suspect that this is true, for instance, of two passages in that ardent Constantinopolitan, the ecclesiastical historian Socrates (*HE* IV. xxxviii.3-5; V.i.2-3; cf. Soz., *HE* VI. xxxix.3; VII.i.1-2), giving the people of CONSTANTINOPE an important role in resisting the Visigoths in the summer of 378 that is missing in Amm. Marc. XXXI.xi.1; xvi.4-7, and may well be exaggerated.

One incident that seems to have been universally accepted in modern times, at least since Gibbon (*DFRE* I.265-6), I would unhesitatingly reject as a probable fiction: the supposed exploit by the elderly Athenian historian Dexippus in 267, in organising a successful attack upon the Heruls (often referred to in the sources as 'Goths' or 'Scythians') after they had sacked ATHENS. (The fullest recent account, taking it for granted that the exploit actually occurred

and can be attributed to Dexippus, is that of F. Millar, in *JRS* 59 [1969] 12-29, esp. 26-8; cf. *PIR*<sup>2</sup> IV.72-3, H 104, etc.) The reasons for my scepticism are as follows. (1) The speech, *FGH* II A 100 F 28a §§ 1-6 (translated by Millar, 27-8), is commonly assumed to be the historian's record of a speech of his own; and in § 7 Dexippus says that the speaker was then accepted by the Athenians as their leader. However, although in F 28d Dexippus is named as the speaker ('to the Hellenes'), I see no evidence whatever in the fragments (or the *testimonia*) of Dexippus or anywhere else to suggest that the speaker in F 28a is the historian himself; this has simply been assumed. (2) The only source representing Dexippus as the leader of an Athenian force which actually overcame the Heruls is a very unreliable one: *HA, Gallien.* 13.8. The only other references to a successful Athenian attack on the Heruls are by (a) the early-ninth-century writer George Syncellus, *Chronograph.*, ed. W. Dindorf, I (Bonn, 1829) 717.13-23, in which there is no word of Dexippus; and (b) the twelfth-century historian Zonaras, *Epit. hist.* XII.26, ed. Dindorf, III (1870) 150.23-151.5, who has a totally different story, again ignoring Dexippus, and attributing the rout of the Heruls to 'Cleodemus an Athenian', who successfully attacked the Heruls 'from the sea with ships'; cf. the 'Cleodamus and Athenaeus, Byzantines', appointed by Gallienus to restore and fortify the cities in the Balkan area, who overcame the 'Scythians' in a battle 'circa Pontum' (*HA, Gallien.* 13.6), apparently at about the same time as the naval victory of Venerianus (*ibid.* 13.7) and the alleged exploit of Dexippus (13.8). (3) In the inscription set up to Dexippus by his sons, *IG II<sup>2</sup>.3669 = FGH* 100 T 4 (which, as Millar says, op. cit. 21, 'we can be certain . . . is subsequent to the Herulian invasion'), there is not the least hint of Dexippus' supposed exploit. (The opening word, *ἀσκή*, appropriately Homeric, is simply part of a description of the famous men of the land of Cecrops.) (4) The fact that no later Greek writer mentions the brilliant exploit of Dexippus is extraordinary unless (as I believe) it is a modern myth, deriving from the *Historia Augusta* and a misunderstanding of Dexippus F 28a. Zosimus in particular, although he records the sack of Athens on the occasion in question, does not mention Dexippus (or any Athenian counter-attack); and Eunapius (the main source of Zosimus' earlier books), who thought highly enough of Dexippus to begin his own history at the point where Dexippus left off (and cf. Eunap., fr. 1, Dindorf or Mueller), speaks of Dexippus purely as a man of culture and oratorical ability (*Vita Sophist.* IV.iii.1 [457 Didot], p. 10.14-16 ed. J. Giangrande, Rome, 1956). Nor does the Souda have anything to say about Dexippus except as a *πρύταρ* (*FGH* 100 T 1). Nothing is to be gained by consulting the source of F 28: Constantine Porphyrogenitus, *Excerpta hist.*, ed. U. P. Boissevain etc., IV. *Excerpta de sentent.* (1906) 234-6 (Dexippus 24). (5) The speech in F 28a refers to Athens as 'in the hands of the enemy' (§ 3), and adds a mysterious reference to 'those who have been forced against their will to fight alongside the enemy'; cf. the *πράτορες* of the city in § 5. If this is indeed 267, then the Heruls have already captured Athens. That would surely make Dexippus' exploit an even more remarkable one: cities might sometimes drive off their besiegers, but I know of hardly an occasion on which they are reliably said to have pursued their attackers after their withdrawal. I would need much stronger evidence than we have, before accepting, on the strength of the *Historia Augusta* alone, a daring and successful piece of military activity against fierce professional fighters, led by a man of letters who must have been in his sixties and had almost certainly had no previous experience of warfare.

In IV.iv above, and its n.6, I have given examples of resistance to 'barbarians' etc. in the countryside. The attitude of the peasantry, I think, must often have depended on that of the city of whose territory they formed part. I find it easy to believe the Arab historian Abu Yūsuf, when he says of the villages and rural areas of Edessa and Harran (in 637-8) that after the surrender of the cities, no resistance was attempted. 'In every district, once the seat of government had been conquered, the country people said, "We are the same as the people of our town and our chiefs"' (*Kitāb al-Kharāj* 39-41, translated by Bernard Lewis, in his *Islam from the Prophet Muhammad to the Capture of Constantinople*, I [1974] 230-1).

43. The valuable *Vita Severini* of Eugippius has appeared (since *MPL* LXII.1167-1200) in several modern scholarly editions, by H. Sauppe (*MGH*, 1877), P. Knoell (*CSEL*, 1886), Th. Mommsen (*Scr. Rerum German.*, 1898), and most recently R. Noll, *Eugippius, Das Leben des heiligen Severin* (Berlin, 1963), with German translation and commentary. There are English translations by Ludwig Bieler and Luitpold Krestan (Washington, D.C., 1965), and by G. W. Robinson (Harvard Translations, Cambridge, Mass., 1914). Géza Alföldy, *Noricum* (1974) 347 n.36, refers to various recent studies of Eugippius and St. Severinus, and gives much information about Noricum in the fifth and sixth centuries (*ibid.* 213-27).

44. Thompson must be referring to Hydat. 91, noticed in IV.iv n.6 § (c) above.
45. My quotation is from Thompson's 1977 article (see n.10 above) 313-14.
46. Jones, *LRE* II.1059. For Arvandus, see Sidon. *Apoll.* Ep. I.vii (esp. 5, 10-12); Stevens, *SAA* 103-7. For Seronatus, see Sidon. *Apoll.* Ep. II.i (esp. 3); VII.vii.2; Stevens, *SAA* 112-13. (For Sidonius' extreme detestation of Seronatus, see also his Ep. V.xiii.)
47. Amm. Marc. XVIII.x.1-3; XIX.ix.3-8; XX.vi.1.
48. This would surely have been illegal after 422, at any rate in the West, because of *CTh* II.xiii.1 = *CJ* II.xiii.2.
49. Priscus fr. 8 Dindorf (*HGM* I.305-9) and Mueller (*FHG* IV.86-8). There is an English translation by C. D. Gordon, *The Age of Attila* (Ann Arbor, 1960) 85-9. See esp. Thompson, *HAH* 184-7, with ch.v.
50. *FIRA*<sup>2</sup> III.510-13, no.165; and Malalas XV, p.384, ed. Dindorf (*CHSB*, 1831).
51. Cf. Jones, *LRE* I.472-7, 484-94, 494-9, 502-4, 518-20.
52. *FIRA*<sup>2</sup> I.331-2, no.64. There is an English translation in *ARS* 242-3, no.307.
53. At any rate, it would have been the equivalent of 9 solidi in the same department (*ab actis*) in the praetorian prefecture of Africa; see *CJ* I.xxvii.1.26.

## [VIII.iv]

1. The full story of the plague can never be reconstructed. A. Alföldi, in *CAH* XII.228 n.1, gives the essential source references. Add Zos. I.46.
2. The very marked improvement brought about by the victories of Diocletian and his colleagues is celebrated in a most remarkable document, which no one should miss: the Preface to the 'Edict on Maximum Prices' issued in 301. For the recent editions of the Edict as a whole, see I.iii n.3 above. The Preface is more easily available in *ILS* 642, and there is also a text with an English translation by E. R. Graser in Frank, *ESAR* V.310-17. The *Panegyrics* of the years 289-321 (*Paneg. Lat.* II-X, ed. E. Galletier, with French trans.) are often ludicrously optimistic.
3. Amm. Marc. XXVI.vi.9, 17-18; vii.1, 7, 14; viii.14; cf. x.3; Zos. IV.v.5; vii.1-2. The latest treatment of the revolt of Procopius that I have seen is by N. J. E. Austin, in the article cited in VI.vi n.58 above.
4. He is Petronius 3 in *PLRE* I.690-1.
5. See B. H. Warmington, 'The career of Romanus, Comes Africae', in *Byz.* 49 (1956) 55-64.
6. Stein, *HBE* I<sup>2</sup>.i.140. He lists the sources in II.490 n.51.
7. A useful recent work is G. W. Clarke, 'Barbarian disturbances in north Africa in the mid-third century', in *Antichthon* 4 (1970) 78-85.
8. See Jones, *LRE* I.59-60, 97-100; II.679-80. I know of only one larger army ever marshalled by Rome for a foreign expedition: that which Antony took through Armenia against the Parthians in 36 B.C., for which see Plut., *Ant.* 37.4; W. W. Tarn, in *CAH* X.73 ff.
9. For this I shall merely refer to A. R. Birley, *TCCRE* 267-8, where the figure of 'some 400,000 or more in a population of about fifty million' is partly based on the article by Eric Birley, 'Septimius Severus and the Roman army', in *Epigr. Studies* 8 (1969) 63-82. Further bibliography is given by A. R. Birley.
10. What I have said in the main text above about Roman army numbers is based primarily on Jones, *LRE* II.679-86 (cf. 1035-8), with the notes in III.209-11, and see III.379-80 (Table XV). Of the total cost of Roman military expenditure under the Empire there is no way of making even an informed guess. M. H. Crawford, *Roman Republican Coinage* (1974) II.696-7, estimates the annual cost of a single legion at 600,000 denarii down to 124 B.C., 1,500,000 den. from 123 onwards (contrast Frank, *ESAR* I.327: 1 million), and 3,000,000 den. after Caesar's doubling of legionary pay; but these figures can only be regarded as intelligent guesses. For the Principate and Later Empire, estimates become impossibly difficult, even apart from the fact that *auxilia* and other non-legionary forces now played an ever larger part.
11. Jones, *LRE* III.341 n.44, has  $113 \div 3 = 116$  provinces; but his list on pp.382-9 has 119, and I believe that to be the true figure, if we allow for one or two errors in the *Notitia* - for example, the deletion by a clerk of the Pannonian province of Valeria instead of the Italian Valeria (see Jones, *LRE* III.351). Cf. the list of provinces in J. W. Eadie, *The Breviarium of Festus* (London, 1967) 154-71: 126 names are given, but we must deduct 7 (nos. 8, 23, 35, 62, 78, 119, 123). I have not been able to study properly the very scholarly recent work by Dietrich Hoffmann, *Das*

- spätromische Bewegungsheer u. die Not. Dign.* = *Epigr. Stud.* 7 (2 vols. Düsseldorf, 1969-70); this has the most useful map I have seen of the Roman provinces at the time of the *Not. Dign.* (loose, in Vol. II), and see the three maps for c. 400 following II.326-7.
12. Jones, *LRE* II.1057; and see III.341-2 n.44, concluding with a table. Jones omits all 'domestic palace staff (*cubicularii* and *castrarii*)'.
13. See Jones, *LRE* I.396-9; *RE* 209-11.
14. See *CJ* I.xxvii.1.22-39, with Jones, *LRE* II.591-1. As Jones says, three-quarters of the staff received not more than 9 solidi or its equivalent in kind (*1 annona* = 5 solidi, *1 capius* = 4 solidi). And the 16 lowest of the 40 clerks in the four financial *vicaria* received only 7 solidi each (*CJ* I.xxvii.1).
15. See Jones, *LRE* II.571 (*castrarii*, with graded supernumeraries), 585 (*largitionales*), 597-8 (*magistri*), 604.
16. For the *collatio glebalis, glebae* or *folli*, see Jones, *LRE* I.110, 219, 431 (with III.106-8 n.51), 465. Since the new lowest rate of tax introduced by Theodosius I in 393 was only 7 solidi (*CTh* VI.ii.15), I have no difficulty in accepting Jones's figures of (in effect) c. 40, 20 and 10 solidi for the original rates (*LRE* I.431; Jones's article on the *folli* is now repr. in his *RE* 330-8; but see R. P. Duncan-Jones, in *JRS* 66 (1976) 235).
17. So were Flavius Valerius Severus (Augustus 306-7) and Maximian Daia (Augustus c. 309-13), both from Illyricum, as well as Licinius, a Dacian of peasant origin.
18. In Amm. Marc. XXX.vii.2 he is 'ignobili stirpe', in *Epit. de Caes.* 45.2 'mediocri stirpe'.
19. Marcian (451-7) was apparently of humble origin; see Evagr. *HE* II.1. Leo I (457-74), a Dacian soldier, may well have been of peasant stock. Zeno (474-91) was originally an Isaurian named Taracodissa; but he seems to have been a local chief.
20. For *agrestis*, see Victor, *Caes.* 40.17, 41.26; for *semiagrestis*, 39.17 (of Maximian). For *subagrestis*, see Amm. Marc. XIV.xi.11, XV.v.10; XVIII.iii.6; XXI.x.8; XXX.iv.2; XXXI.xiv.5, the last passage referring to Valens, who is also *suburbanus* in XXIX.i.11.
21. For the view that the family of the three Gordians (238-44) originated in Asia Minor, see Birley, *TCCRE* 277 and n.1. This may well be right, but there is nothing specifically 'Greek' in what we know of the Gordians. I, II and III they were thoroughly westernised.
22. Michael the Syrian, *Chron.* X.xi (*init.*), ed. Chabot II.3 (6) and Bar Hebraeus, *Chronogr.* I.ix, ed. Charles p.81. (For the editions concerned, see VIII.iii n.34-5 above.)
23. *Acta Conc. Orr.* III, ed. E. Schwartz (Berlin, 1940) 264-1 (A.D. 536).
24. See e.g. Jones, *LRE* II.951-2, with III.318 n.154.
25. The best treatment of the whole subject of Church finance is by Jones, *LRE* II.894-910, with III.301-11 nn.51-95; and 'Church finance in the fifth and sixth centuries', in *JTS* n.s.11 (1960) 84-94 = *RE* 339-49.
26. Very full details are given in the *Liber Pontificalis Ecclesiae Romanae*. The most useful edition of this work is by L. Duchesne, *Le Liber Pontificalis*, second edition (Paris) I and II (1955), III (1957); the first edition, in two vols., was published in 1886-92. There is also a text by Th. Mommsen, in *MGH, Gest. Pontif. Roman.* I (1898). And see n.28 below.
- 26a. I must add a reference to a work I saw only after this chapter was finished: Alan Cameron, 'Paganism and literature in late fourth-century Rome', in *Entretiens sur l'ant. class.* 23 (Fondation Hardt, Vandoeuvres-Geneva, 1977) 1 ff., at 16-17, making the point that Praetextatus was the real 'heavyweight among late Roman pagans. . . leader of the pagan intelligentsia of late fourth-century Rome. . . It is easy to see why the death of Praetextatus was such a blow to the pagan party. Not only was he a man of enormous authority and determination; he was their one intellectual. He was a philosopher.'
27. Jerome, *C. Johana Hierosol.* 8; cf. Amm. Marc. XXVII.iii.14-15.
28. The main sources are the *Liber Pontificalis* (see n.26 above) xxxiv (Silvester, 314-35), xxxv (Marcus, 336), xxxix (Donatus, 346-84), xli (Innocent, 401-17), xlii (Xystus, 432-40), all in Vol. I, ed. Duchesne; and the letters of Gregory the Great, as cited in IV.iii n.47 above (with bibliography).
29. The bishop was Misenius of Meioe; Severus *Ant.* Ep. 1.4 (with 23), ed. E. W. Brooks, *The Select Letters of Severus of Antioch*, II.1 (London, 1903) 25. See Jones, *LRE* II.905-6.
30. *Vita S. Theod. Syk.* 78; see the excellent Eng. trans. by Elizabeth Dawes and N. H. Baynes, *Three Byzantine Saints* (1948) 141 (*CJ* IV.ii n.43).
31. See the *Liber Pontif. Eccles. Roman.* 60, in *MGH, Scr. Rer. Langobard.* 265-391, at 319, ed. O. Holder-Egger (1878), for the *Constantium Felicitis* (Pope Felix IV, A.D. 526-30), also in *MPL* LXV.12-16, at 12C, revealing that one quarter of the *patrimonium* of the Church of Ravenna

- was 3,000 solidi. (In Italy, a quarter of the revenues of a church normally went to its bishop; cf., for Ravenna, Jones, *RE* 346-7; *LRE* II 932, 905.)
32. The list of salaries is conveniently reproduced in Jones, *LRE* III.89-90 n.65.
33. Gertrude Mahz, 'The date of Justinian's *Edict XIII*', in *Byz.* 16 (1942-3) 135-41, argues for A.D. 554; but I would accept the traditional date, 538-9; see Roger Rémondon, 'L'Édit XIII de Justinien a-t-il été promulgué en 539?', in *Crit. d'Ég.* 30 (1955) 112-21.
34. *MCH, Ser. Res. Meroving.* I, 533, ed. B. Krusch and W. Levison (1951). There is an excellent Eng. trans. of this work (with commentary) by O. M. Dalton, *The Hist. of the Franks by Gregory of Tours* (2 vols, 1927); for this passage, see II.475. According to Gregory (loc. cit.), the next bishop, Baudin, distributed the 30,000 + solidi among the poor.
35. *Vita S. Iohannis Eleutherii*, 45, ed. H. Delehaye, in *AB* 45 (1927) 5-74, at 65-6. See Dawes and Baynes, op. cit. (in n.30 above) 256.
36. See Jones, *RE* 340-9; *LRE* II.899-902.
37. See Jones, *LRE* II.898-9, with III.384 n.66 (cf. II.697, with III.216 n.20 *fin.*). The most interesting passage is Theodoret, *HE* I.xi.2-3, with IV.iv.1-2.
38. Ducas, *Hist. Turcabyzantina* XXXVII.10, p.329.11-12, ed. V. Grecu (Bucarest, 1958) = *CHSB*, ed. I. Bekker (Bonn, 1834) p.264.14-16: *κρεῖττον ἔστιν αὐτοῖς εἶναι ἐν μέσῃ τῇ πόλει φακιάλων βασιλείῳ Τούρκων ἢ καὶ περὶ Λαζυκίαν*.
39. *Vita S. Iohannis Eleutherii*, 41; see Dawes and Baynes, op. cit. (in n.30 above) 248, 249.
40. E.g. Naphtali Lewis, 'Μερσμός ἀνακεχωρηκότων', in *JEA* 23 (1937) 63-75, at 64-5 and n.6; Bell, *EAGAC* 77-8; MacMullen, *RSR* 36-7.
41. Philo's words are *ἐν ὅποις τις ἐκλογὴς φέρουσιν ταχέως πρὸς ἡμᾶς* (§ 159). The last two words should mean 'in our area'. MacMullen (see the preceding note) takes this to be Judaea. Certainly the text seems to exclude Alexandria (see § 162). But I think we must take it that Philo is speaking of some area in Lower Egypt.
42. See Jones, *LRE* II.781, with 1617-8. It seems to me obvious that most if not all these peasants were freeholders, for otherwise they would not have been driven out of their lands, as each of the three laws says they were.
43. A valuable (and, I think, rather neglected) work on 'the over-powerful' can be found among the 'Études de droit byzantin' (the sub-title of which makes them a 'méditation' on *CJ* IV.lxx.34) published by H. Momnier in *Nouvelle revue historique de droit français et étranger* 24 (1900) in three parts, the relevant section for our purposes being pp.62-107 (Ch.vi: 'Généralités sur les Puissants'; vii: 'Des Puissants à l'époque classique'; viii: 'Quelques exemples des entreprises des Puissants au Bas-Empire'; and ix: 'Le *patronatus potentiorum*'). This is the richest collection of material on the subject that I have found.
44. Cf. Symm., *Ep.* VI.58, 62, 64, on which see Jones, *LRE* I.365.
45. For the Novel in question see J. and P. Zepos, *Jus Graecoromanum* (8 vols. Athens, 1931; repr. Aalen, 1962) I.240-2, at 242. The translation is that of G. Ostrogorsky, 'The peasant's pre-emption right: an abortive reform of the Macedonian emperors', in *JRS* 37 (1947) 117-26, at 122. The Greek is *καὶ χρὴ διενεαλεῖσθαι ἡμᾶς, μὴ λιμοὶ βιαιότεραι ἀναγκῇ κριτοῦ τοῖς ἀθλίους ἐπυρρίσσωμεν πένητας* (§ 2).
46. The conquest of Syria, Mesopotamia, Egypt and north Africa by the Arabs was extraordinarily rapid. Particularly striking is the virtual disappearance of Christianity from large parts of that area, especially the lands west of Syria and Egypt. This is all the more remarkable in that, as Mommsen said (if with some exaggeration), 'In the development of Christianity Africa plays the very first part; if it arose in Syria, it was in and through Africa that it became the religion for the world' (*Provinces of the Roman Empire* [1886] II.343).
47. In the case of the Arab conquest of Egypt, this situation existed also in the great city of Alexandria. See e.g. Butler, *ACE*<sup>2</sup> 337-8, for the view that in the submission of the Alexandrians to the Arabs in 641 the expectation of lighter taxation may have been an important element. He continues, 'This promise of reduced taxation may count for a great deal in all the Muslim conquests. In the case of Alexandria it may have been the determining factor, although it is known that the hope of financial relief was bitterly disappointed.' (Cf. also *ibid.* 349, 365, 451-6; but see *lxxxiii*.) For the forced labour which was also exacted by the Arabs later, see *ibid.* 347-8, 363. I may add that I know of no scholarly treatment of the problems of Arab taxation in the Roman provinces they conquered more recent than D. C. Dennett, *Conversion and the Poll-Tax in Early Islam* (= *Harvard Historical Monographs* 22, 1950); and Frede Løkkegaard, *Islamic Taxation in the Classic Period* (Copenhagen, 1950). Dennett is particularly successful in bringing out the differences in the treatment by the Arabs of the various areas.
48. See IV.1 above and its n.1.

## [Appendix IV]

1. A good example of Magie's conventional right-wing views and inability to think deeply about his material is the passage in *RRAM* I.114-15: 'It is true that under the influence of the Romans, whose general policy it was to ensure a greater stability by entrusting government to the wealthier and more responsible citizens, there was a growing tendency to lessen the power of the Assembly in favour of the Council' (my italics). Cf. I.214 (those who received Mithridates with enthusiasm in 88 were 'the less responsible element among the citizens'), 640 ('the wealthier and presumably more responsible class'), 660 etc.
2. See E. S. Gruen, 'Class conflict and the Third Macedonian War', in *AJAH* 1 (1976) 29-40. His attempt to discredit Livy fails. First, he is inclined to treat Livy's statements about divisions on class lines in second-century Greece and in Italy during the Second Punic war as a mere 'common Livian device' (op. cit. 31). But the comparison with the narrative of the Second Punic war only serves to weaken his case, for reasons that will be clear from the introductory part of this Appendix. Secondly, he makes too much of minor differences which certainly exist between Livy and Polybius: e.g. between Livy XLII.xliv.3-5 and Polyb. XXVII.1.7-9 in regard to the Boeotian assembly at Thebes in 171 (45). Livy's *multa* and *multitudo* (§ 4) are natural expressions in view of *συνδεδραμημένος* in Polybius (§ 8); and Livy's 'constantia principum ... victa tandem multitudo' (§ 4) is also understandable in the light of Polybius' statement of a massive change in the attitude of the *παῖδες* (§ 9) – by which Polybius probably means here simply 'the majority'. Contrary to Gruen's statement (op. cit. 58 n.154), there may well have been much Polybian material available to Livy which is lost to us. Gruen here forgets that we do not have, for example, the Polybian original of Livy XLII.xliii.6-10. Thirdly, Gruen pays insufficient regard to the evidence of continued anti-Roman feeling at Coronea and especially Haliartus (Livy XLII.xlvi.7-10; *lxxii* 3-12), which must have been overwhelming at the latter place, in view of its heroic resistance to the siege by greatly superior Roman forces, in the light of what actually happened later, may not Livy's account of the assembly at Thebes convey a rather more realistic picture than that of Polybius? I would add, in reply to the treatment by P. S. Derow, in *Phoenix* 26 (1972) 307, of Livy XXXVII.ix.1-4 and Polyb. XXI.vi.1-6, on the events at Phocaea in 190, that Livy's account, although using different language from that of Polybius, need not be seen as a distortion: in Polybius the Phocians *ἐκτονωσαν* (§ 1) and, as distinct from *οὐκ ἔπαυον* (§ 2), *οὐ πολλοὶ* are represented as in a disturbed condition because of famine (§§ 2, 6), as well as the activities of the 'Antiochists'. There is nothing here to convict Livy of any significant misrepresentation, and again the subsequent lost narrative of Polybius may well have contained further particulars of the situation at Phocaea, justifying Livy's rather more sharply drawn picture. (Derow, I may say, tells me that his conclusions on the question of class attitudes in Greece towards Rome are much nearer to those of Hirsch and Fuks – for which see the main text of this Appendix, § 2, *ad fin.* – than to those of Gruen.)
- Only after V.iii and this Appendix had been virtually finished did I read Doron Mendels, 'Perseus and the socio-economic question in Greece (179-172/1 B.C.)', in *Ant. Soc.* 9 (1978) 55-73. This is a much better analysis than Gruen's: it is virtually limited to proving (as it does successfully) that Perseus never (so to speak) 'played the popularis'. Mendels realises, however (see esp. his pp.71-3), that on the eve of the Third Macedonian War 'the masses in the free states were inclined towards Perseus', as were some of the leading men (cf. Livy XLII.xxx.1-8, esp. 1, 4), and although at first their sympathy for Perseus remained passive, when he won a battle they began to have high hopes of him (see Polyb. XXVII.ix.1; x.1, 4, cited in the main text above; also *Diod.* XXX.8; Livy XLII.*lxxiii*.1-2), which of course were disappointed.
3. Cicero also uses *cooptatio* (cooptatio) of men who can be represented as owing their position to the efforts of an individual, whether as Roman senators (*De div.* II.23: [*Caesar*] *ipse cooptasset*) or as members of a priestly college (e.g. *Isa.* 1; *III Phil.* 12; *Ad fam.* III.x.9; *Lacl.* 96).
4. See n.2 again. Although Gruen cites Livy XLII.xxx.1-7 and quotes phrases from it (op. cit. 31, and 49 nn.17-18) he fails to mention that of the two groups into which Livy divides those taking the side of Perseus the first is 'quos aet alienum et desperatio rerum suarum, eodem manente statu, praecipites ad novanda omnia agebat' (xxx.4; cf. v.7 on Aetolia, Thessaly and Perrhaebia). He would shrug off the whole 'antithesis between *plebs* and *principes*, the one anti-Roman, the other pro-Roman', as 'a common Livian device'; but see n.2 above. And in relation to Livy XLII.v.7 he even tries to obscure the basic class nature of indebtedness (op. cit.

- 35) – in the way that used to be so common (before the publication of Brunt, ALRR) in regard to the demand for *novae civitatis* in the Catilinarian affair of 63 B.C. In regard to Sherck, *RDGE* 40 (= *SEG* 643 = *FD* III (v. 75), lines 22–4, Gruen claims that there is no warrant for inserting, with Colin and Pontow, *τὸ πλεῖστον ἐκ τῆς πλείστης ἀποσκευῆς* (line 22 or 23). But the document (an official Roman letter to Delphi) does have *ἀποσκευῆς τοῖς προσηγορευτοῖς* in line 23, [*καὶ νεοεργασίας ἐποτρύνει* in line 24, and *ἵνα τοῖς ἐκείνους ἐκταχθῶσι* in line 21; and this language surely suggests actions against some ruling groups in favour of others who were disfranchised or under-privileged, rather than mere support of factions of *principes* against similar factions in the party struggles which were certainly rife at this period in some areas of Greece, including Aetolia (contrast Gruen, *op. cit.* 36 and 53 nn. 66–7). Even a 'party struggle', which Gruen would dismiss as such and no more (n. 67), might have strong class determinants: the extreme bitterness of the one in question (*Livy* XLI. xxv. 3–4) may well have been due to its having that character. (However, since reading the article by Mendels cited at the end of n. 2 above, I would agree with him that the statements I have quoted from the inscription must be treated with extreme distrust, as Roman propaganda which may have little or no basis in fact.)
5. The fullest narrative in English is still that of Ferguson, *HA* 440–59; but the reader should begin with 435 ff., describing the oligarchy which preceded the uprising. See, however, Day, *EHARD* 109–10, esp. n. 346 for a modification of Ferguson's chronology. Cf. also Silvio Accame, *Il dominio romano in Grecia dalla guerra antica ad Augusto* (Rome, 1946) 163–71, and the bibliography in Magie, *RRAM* II. 1106 n. 42. The principal sources are Poseidonius, *FGH* 87 F 36 (ap. Athen. V. 211d–15b); App., *Mch.* 28–39; Plut., *Sulla* 11–14. Other sources are given in Greenidge and Clay, *Sources* 169–70, 178, 181–2. It is interesting to find Plutarch singling out Aristion, with Nabis and Carline, as the most pestiferous type of politician (*Prac. ger. reip.* 809c).
  6. For the damage done to Athens (and in Attica generally) by Sulla, see the material conveniently collected by A. J. Pappas, in *ΕΛΛΗΝΙΣΜΟΣ* 28 (1975) 49–50 n. 3.
  7. Cf. Josef Delz, *Lukians: Kenntnis der athenischen Antiquitäten* (Diss., Basel, 1950).
  8. In F. Bömer's monumental work in four parts dealing with the religion of Greek and Roman slaves, *URSGR*, the relevant portion is III (1961) 396 (154) to 415 (173). The book by Fr. Carrata Thomas is *La rivolta di Aristonico e le origini della provincia romana d'Asia* (Turin, 1968): see the review by John Briscoe, in *CR* 86 = n.s. 22 (1972) 132–3. J. C. Dumont's article, 'À propos d'Aristonico', is in *Eirene* 5 (1966) 189–96. Joseph Vogt's treatment of the subject appeared originally in his *Struktur der antiken Sklavenkriege* (= *Abh. d. Akad. d. Wiss. u. d. Lit.* in Mainz, Geistes- u. sozialwiss. Klasse, 1957, no. 1), and has been republished in his *Sklaverei und Humanität* (= *Historia Einzelschr.* 8, 1972), at 20–60, with the brief paper, 'Pergamon und Aristonikos' (61–8), first published in the *Atti del terzo congresso internaz. di epigrafia greca e latina* (Rome, 1959) 45–54. See now Vogt, *ASIM* (in Eng. trans.) 39–92, 93–102 (with 213–14). For further discussion and bibliography see Magie, *RRAM* I. 144, 148–54, with II. 1034–42 nn. 2–25; Will, *HPM* III. 352–6.
  9. These are perhaps the same category as e.g. (a) the *λαοὶ* of *SEG* XVII. 817 (second quarter of the third century B.C.), from Apollonia, mentioned beside the *πολιτεῖα* in line 4 of the poem (cf. Joyce Reynolds, in *Apollonia*, Suppl. Vol. of *Libya Antiqua* [1977], 295–6, no. 2); and (b) *τὰ κατὰ τὰν χώραν ἔθνεα* mentioned in *SEG* XX. 729, line 4, beside Cyrene itself *καὶ τὰς ἄλλας πόλεις*.
  10. *SEG* XVI. 931 (cf. *IGRR* I. 1024), of the last century B.C., is a decree of the *[ἀρχ]όντες* and *πολίτευμα* of the Jewish community at Berenice (lines 12–13), earlier Euhesperides and now Benghazi. Some Jews evidently became full citizens of Cyrene: see e.g. *SEG* XX. 737 (A.D. 60–1), a list of *νομοφύλακες* of Cyrene (line 5), which includes Elazar son of Jason (line 8), and id. 741 (A.D. 3–4), a list of *ἐφηβες* which includes some Jewish names, e.g. Elazar son of Elazar (a. II. 48), Julius son of Jesus (a. I. 57; cf. 740 a. II. 8); and see Atkinson, *TCEA* 24.
  11. The most recent work that gives a full discussion of the pre-Roman constitution is the long article by Monique Clavel-Lévêque, 'Das griechische Marseille. Entwicklungsstufen u. Dynamik einer Handelsmacht', in *Hellenische Polis*, ed. E. Ch. Welskopf (Berlin, 1974), II. 855–969, at 893, 902–7 (with 957–9 nn. 446–82), 915 (with 963 nn. 555–7). The article in question has since been expanded into a monograph of 209 pages (with maps and plates): *Marseille grecque. La dynamique d'un impérialisme marchand* (Marseille, 1977). The relevant portions are 93, 115–24, 128–9 (with 146), 137 (with 149). See also Michel Clerc, *Massalia I* (Marseille, 1927) 424–43; Camille Jullian, *Hist. de la Gaule* I. 433–7; H. G. Wackernagel, in *RE* XIV. ii (1930) 2139–41; Busolt, *GS* I. 357–8.
  12. See Clerc, *Massalia* II (1929) 292–8; Jullian, *op. cit.* VI. 314–19.

## Bibliography (and Abbreviations)

Part I lists, usually *without the name of an author or editor*, works such as periodicals and collections of inscriptions or papyri, cited in this book normally by the initial letters of their titles, or by other customary abbreviations.

Part II is a very selective list of works recorded *under the names of authors or editors*. Many of these are cited by the initial letters of their titles (see the Preface, pp. x–xi), books in italics, articles not; and these are always placed first in each case (and in alphabetical order) under the names of their respective authors or editors, before works cited without abbreviation.

Abbreviations of modern works (including periodicals) not included here are either obvious or can be easily identified with the aid of such lists of abbreviations as those in *LSJ*<sup>9</sup> I. xli–xlviii, *OCD*<sup>2</sup> ix–xxii, *ODCC*<sup>2</sup> xix–xxv, or any recent number of *L'Année philologique*.

The identification of ancient sources will usually be obvious enough to those able to profit by consulting them. In case of doubt, reference can be made to *LSJ*<sup>9</sup> I. xvi–xli or (for Latin authors) to Lewis and Short's *Latin Dictionary* vii–xi. The best available editions are used. Those less acquainted with Early Christian sources (cited wherever possible from *GCS*, *CSEL* or *SC* editions, otherwise commonly from *MPG* or *MPL*), or with Later Roman ones, will find particularly helpful the lists in Jones, *LRE* III. 392–406; Stein, *HBE* I<sup>2</sup>. ii. 607–20 and II. 847–61; and of course the *Patrologies*, by B. Altaner, J. Quasten, and O. Bardenhewer, given in Part II below.

In a few cases I have cited books not under the author's name but under that of a reviewer whose opinions seem to me valuable. (In all such cases sufficient particulars of the books concerned are given.) Books and articles which I believe I have adequately noticed above are sometimes not given again here. And I have omitted here many works which seem to me valueless or irrelevant; but the inclusion of a book or article in this Bibliography is not necessarily to be taken as a recommendation. Greek titles are transliterated here, though not (as a rule) in the Notes above.

I hope that the entries for Karl Marx and Max Weber will be found particularly helpful.

### Part I

(A star indicates that references are to the numbers of the inscriptions or papyri, rather than to pages, except where the contrary is stated. References here to papyri are mainly limited to those cited in the main text rather than the Notes. Standard abbreviations are used: all can be identified with the aid of a work of reference such as Orsolina Montevicchi, *La Papirologia* [Turin, 1973], if not in the convenient short list at the end of Bell, *EAGAC*, for which see Part II below.)

AB	= <i>Analecta Bollandiana</i>
AC (or <i>Ant. Class.</i> )	= <i>L'Antiquité Classique</i>
<i>Acta Ant.</i>	= <i>Acta Antiqua</i> (Budapest)
AE*	= <i>L'Année épigraphique</i>
Aeg.	= <i>Aegyptus</i>
AHEW I.ii	= <i>The Agrarian History of England and Wales</i> , I. ii, ed. H. P. R. Finberg (1972)
AHR	= <i>American Historical Review</i>